

# Promoting Local Election Management as Part of an Electoral Cycle Approach



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## Purpose of Report

This paper examines different modalities used by various countries in the Asia-Pacific region to administer local elections and demonstrates the impact of management practices on electoral cycle approaches, the delivery of elections, and the provision of assistance. The paper also makes broad policy recommendations for contexts where assistance providers may choose to target programs and where election management bodies may decide to focus local level capacity strengthening initiatives. The report is targeted to countries in the Asia-Pacific region that are planning for local elections. It has relevance for a number of stakeholders including electoral management bodies, political parties, parliament, government ministries, civil society and international organizations.



# Introduction

The political will to decentralise and establish democratically elected local governments must be a precursor to the delivery of genuine local elections. However, such resolve may not be forthcoming in countries where areas outside the capital have long been excluded or marginalized from political power. Local elections can be highly contested, passionate and divisive. Local elections may also have a greater impact on the daily lives of citizens compared to national elections. Indeed, many countries in the Asia-Pacific region have large percentages of voters residing outside major cities in small towns, villages and even islands, where local citizens have personal relationships with candidates and engage with political representatives on a regular basis. Hence, a critical issue for local elections involves trust towards

elected officials as well as the election management body/ies. In fact, in order to ensure a sustainable democratic process, all actors in local elections must trust that the administration of an election is free and fair and that the will of voters will prevail. Local election administrations have the ability to be highly visible to local citizenry, and as such supporting, augmenting and ensuring effective and transparent local election management plays an important role for solidifying local democratic processes.

On a broader scale, effective electoral administration and organisation can have a positive impact on a country's democratic health and political stability. It is therefore prudent not only to focus on national events but also on locally managed events as

*'in democratising societies, without a viable system of local elections, the transition to democracy remains incomplete'*<sup>1</sup>. More countries than ever before have sub-national elections at one or more levels in the Asia-Pacific region, with the Maldives and Bhutan holding local level elections for the first time in 2012. However, despite the progress made in establishing these democratic institutions and decentralization frameworks, women continue to participate unequally as candidates, as representatives within the institutions, and also as deliverers of democracy through employment in Electoral Management Bodies (EMB). The Universal Declaration on Democracy adopted by the Inter-Parliamentary Union states that *"the achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences"*<sup>2</sup>.

While work continues on developing participatory and representative democracies in the Asia-Pacific region, *'the transition from a closed to open political system is inherently a long-term and difficult process. National level elections are critical in starting or culminating this process, but they are not enough. Local elections play a critical role in democratization.'*<sup>3</sup> Consequently, effective local election management is crucial to this process.

The delivery of technical assistance, capacity building initiatives, and policy advice to EMBs, stakeholders

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1 Sisk, Timothy D – Democracy at the Local Level: The International IDEA Handbook on Participation, Representation, Conflict Management and Governance, 2001

2 <http://www.ipu.org/cnl-e/161-dem.htm>

3 Sisk, Timothy D – Democracy at the Local Level: The International IDEA Handbook on Participation, Representation, Conflict Management and Governance, 2001

and other actors involved in election management in the Asia-Pacific region is often viewed from a national standpoint: national, legislative, parliamentary and constitutional processes have tended to be main areas of focus, while the management of local elections has often been underrepresented. To date, only a few UN technical assistance programs have been designed to specifically support local election processes in the Asia Pacific region. Examples include: UNDP's 2003 Assistance Project to Support Suco (village) Elections in Timor-Leste; and the 2005 Aceh Local Elections Support (ALES) project.<sup>4</sup>

A broader understanding of the differing modalities of local election management – beyond an election event – can lead to strengthening local election institutions as well as play an integral role in enhancing broader national governance. Well managed local elections as well as increasing transparency and credibility at the local level may also strengthen a state's broader democratic standing. While the election event itself is the most visible part of an election process, capacity can only be built around the electoral cycle and outside the event itself.

Mapping local election management, gathering lessons learned, identifying best practices and creating a south to south local election reference tool will hopefully lead to enhancing local electoral cycles. However, it must be noted that modalities for supporting local election cycle development, processes and administrations will vary in different country contexts. For example, most countries in the Asia-Pacific region are at different stages of decentralization, electorates massively vary in number and election timetables differ. Also, local electoral

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4 A number of projects, as part of a broader national approach, refer generally to local elections, though only a limited number of projects are tailored specifically for local elections.

administrations – even within one country – may have contrasting mandates as well as varying levels of independence, local election administrations can be permanent or temporary, local electoral law is often at different stages of development and varying security environments prevail.

Countries such as Timor-Leste or the Maldives are at early stages of decentralization and face challenges relating to staff capacity, civic education, and legislation. Both countries have concurrent local election cycles and due to their size, both nations are in a position to receive targeted, lower cost and hands-on technical assistance beyond the capital if necessary. As of 2012 Afghanistan was yet to hold constitutionally required local elections and issues relating to constituency boundaries, the electoral timetable, voter registration, civic understanding as well as capacity for local administrative and election staff all require attention. Indonesia – which has seen two rounds of local elections – faces legal, capacity, transparency and voter registry issues. Some provinces in Indonesia have received a large degree of technical support with other provinces receiving very little. In Pakistan, all four provinces are developing a new legal framework for local elections which may decentralise local election management to independent local bodies. Pakistan's election commission will therefore need to balance any new framework and associated timetable with its national election obligations. Pakistan also faces voter turnout issues, security concerns and gender challenges. In June 2012, Nepal's constituent assembly was dissolved followed by proposed plans for a new elected constituent assembly. Therefore significant uncertainty remains

in regards to aspects of Nepal's future local election processes and new federal structure.

Clearly, each country in the Asia-Pacific region has a set of characteristics that make every local election unique. However, there are always processes in election management that are cross cutting from which best practices and lessons learned can be determined. While it is beyond the scope of this paper to look in detail at each and every country in the region, the report focuses on six country case studies: Afghanistan, Indonesia, the Maldives, Nepal, Pakistan and Timor-Leste. The case studies illustrate how and by whom local elections are managed and include a codified account of lessons learned on local election management. The report also attempts to identify factors contributing to effective electoral management at the local level and provides specifics on best practices by local EMB's in addressing electoral violence, conducting electoral dispute resolution, gender mainstreaming in EMBs and promoting gender sensitive activities in relation to voter and civic education and voter registration.

Approaches suggested in this paper may seem entirely specific or vastly generic. However, countries of similar size yet in different stages of democratic development may have much to learn from each other. This paper identifies common areas of best practice and describes examples of best practices that may be shared in a regional context to enhance the management of local elections, avoid electoral violence and fortify gender inclusion. This will in turn promote inclusive processes and effective electoral institutions within the broader context of democratic governance.

Overall the following six policy recommendations are presented in the paper:

- (1) **Analyse election laws.** Suggest creating a unified election law and/or reducing inconsistencies between laws. Produce an analysis of practical considerations on how electoral management bodies are able to implement elections aligned with legislative requirements in terms of timing and resources.
- (2) **Build local level capacity and use broader recruitment criteria.** If those tasked with implementing local elections have the capacity to deal transparently and maturely with stakeholder grievances, electoral violence can be avoided without required experience and capacity. Mismanaged minor grievances can quickly spiral out of control often leading to unnecessary violence.
- (3) **Focus on civic education.** Establishing an effective local government through credible elections often leads to local communities becoming increasingly active in demanding services and holding local authorities accountable. Local elections are therefore a means to achieve the promise of development. In this regard, civic education, as it relates to the responsibilities of local government and the local citizenry, must be maintained as an important strategic activity in both national and local EMB planning.
- (4) **Scrutinize the timing of elections.** Unsynchronised election events can lead to election fatigue, difficulties in allocating electoral assistance, challenges in observing and monitoring multiple elections, opportunities for fraud, high costs and decreased transparency. Synchronisation of local elections can lead to enhanced training of staff between election events, improved monitoring, and a reduction of election fatigue.
- (5) **Use local elections as a springboard for introducing new techniques and practices in national elections.** Running local elections can be a good entry point to provide opportunities for national election management bodies to pilot activities such as electronic voting and biometric registration. Local elections can also consolidate experience prior to engaging in a national event.
- (6) **Emphasize gender equality in electoral management bodies.** It has become international practice to promote women's participation in elections as political candidates for achieving balanced representation in national parliaments. Even though increasing women's participation in the development and democratic agenda through political representation has gained legitimacy, a lack of ownership amongst women still exists in the delivery of democracy through elections at the local level. Gender mainstreaming, including recruitment and career development paths targeting women in electoral management bodies, is vital for ensuring gender equality in all stages of the electoral cycle.



# Defining local elections and who manages them

The term *local election*, when used in this paper, can be defined as legislative and executive elections conducted at the sub-national level<sup>5</sup>. Local elections may be held for legislative bodies (including provincial, district, and village or island councils) or executive bodies (including mayors and governors). Furthermore, by-elections for both local legislative

and executive positions occurring outside regularly scheduled local elections are included in the definition.

The nature of the EMB, in terms of power concentration or devolution, depends very much on the system of government and frameworks vary broadly both domestically and from country to country. The type of local election system and body responsible for administering local elections will be framed in either national or local legal frameworks. The legal framework may distinguish between powers and functions given to a central or national EMB and

<sup>5</sup> For a full picture of the different tiers of sub-national governments in Asia and the electoral systems used please see: *Designing Inclusive and Accountable Local Democratic Institutions, A Practitioner's Guide, Second Edition*, UNDP. 2010. <http://regionalcentrebangkok.undp.or.th/practices/governance/decentralization/documents/LDIbook.pdf>

those given to regional or lower-level EMBs. Such vertical divisions of powers and functions may be between different branch levels of the one national EMB, or between a national EMB and separate provincial EMBs.

One main challenge is that local elections are often administered on a different timeline and/or according to a different framework with the division of electoral responsibility for local elections divided between bodies at different levels.

As such there are many different models that local elections can be administered through and a complex myriad of EMB models exist. For example, EMBs at the local level may either be decentralized, centralized, permanent or temporary. In federal countries, separate EMBs may exist at the national level and in each state/province, often operating under different legal frameworks and possibly implementing different electoral systems. Both the national-level and provincial-level EMBs may have separate, devolved structures. The nature of the relationship between such EMBs and the powers and responsibilities of each EMB depend on the provisions of the law.

In addition, local executive and legislative elections may also be overseen by different bodies. In some cases, local elections may be entirely community run, falling outside of any formal legal framework. Elections at the local level may also be direct or indirect, with electoral colleges being created wielding the power to make local government appointments.

And finally some countries have EMBs that exist in the election period only, or rely on skeleton staff to take them through non-election periods. There are advantages and disadvantages for permanent and temporary EMBs at both the national and the local level. For example, while permanent EMBs might cost more to run they have the advantage of being able to implement a broader electoral cycle mandate more efficiently and effectively. Temporary EMBs are also less likely to have organisational continuity and not maintain the "election memory" from previous electoral cycles and events.

In short, the management of local elections presents specific challenges that need to be more readily understood so that EMBs are better able to manage all elections as part of a broader electoral cycle approach.



## Objectives of this paper: Operational management vs. local electoral system design

Prior to presenting an analysis of local election management and specific case studies, it is prudent to set out the area of local election management this paper will focus upon. Two priorities to choose from include operational and administrative management by an EMB during the full electoral cycle, or local electoral system design and its impact on election management.

Both areas have an important but different impact on local democracy and electoral management. First,

the modalities of local electoral management are governed by a legal framework from which an EMB will ultimately develop operational practices. Tasks falling within this domain include: developing budgets; human resources; staff recruitment and retention; training; capacity building; planning for and undertaking field operations; voter registration; voter registry updates; political party registration; candidate nomination; campaign management; civic and voter education; polling operations; complaints;

counting; results management; and audits. Each of these tasks forms part of the electoral cycle. They are governed by election law and are integral to local election management. They are easily observed and the design and timing of their implementation can have a great impact on the quality and transparency of any given election, whether local or national.

Second, the electoral system<sup>6</sup> used to elect local governments will affect the type of local government elected (inclusion/exclusion of minority and ethnic groups, political or apolitical administrations, levels of autonomy, etc.). For example, legislation guaranteeing seats to women has been the chosen method by some countries in the region to ensure gender balance in local legislatures. Countries with sub-national quotas such as Bangladesh, Pakistan and India all have higher levels of women's local political participation than countries without quotas. In line with this, local governments often have the ability to introduce new legal frameworks – whether executive or legislative – which alters the modalities of running an election or the type of election system. This can potentially affect electoral impact as it relates to areas of ballot design, election timing, EMB secretariat composition, budgeting and even EMB independence. Thus, the link between election systems and the type of local government elected cannot be overlooked when considering management of local elections, particularly when decisions by local governments impact the legal framework governing election operations.

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6 Electoral systems may include: plurality/majority systems (First Past the Post, Block Vote, Part Block Vote, Alternative Vote, and Two Round Systems); proportional systems (List Proportional Representation, and Single Non Transferable Voting); mixed models (Mixed Member Proportional and Parallel systems) and others such as SNTV.

However, it is beyond the scope of this paper to analyse local electoral systems and laws *vis a vis* the form of local governments elected in the Asia Pacific region. It is also an issue that has been examined in the second edition of the UNDP publication *Designing Inclusive and Accountable Local Democratic Institutions: A Practitioner's Guide*. **This report will instead cut across sections of the who, what, when, and how of local elections<sup>7</sup>:** The who, referring to individuals standing for office, voters, and – significantly for this paper – election officials, the media, civil society and observers; the what, referring to the institutional forum for which elections are held (executive or legislative bodies); the when, referring to the timing of elections and finally, the how, referring to how voting occurs, i.e. the election system of choice – but also significantly for this paper – the administrative aspects of running an election. This paper will therefore refer to all four elements, but look specifically at election management *vis a vis* election officials, media, civil society, election timing and administration.

Within this framework, the report also focuses its scope on gender inclusion at the local level in two areas: first, the presence of women in local election administrations and second, the participation of women as candidates in local elections. In particular, the report investigates how election commissions in the Asia-Pacific region have augmented the number of women serving as election officials as well as best practices used by local electoral authorities to encourage women's participation in elections as candidates.

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7 Sisk, Timothy D – Democracy at the Local Level: The International IDEA Handbook on Participation, Representation, Conflict Management and Governance, 2001



# Challenges with providing support to local elections

Different countries employ different modalities of administering local elections. This can impact on the delivery of elections and the provision of technical or other assistance through an electoral cycle approach.

**Election timing:** Local elections may be out of sync with national election cycles and fall between national events. Local elections for executive or legislative bodies may also be out of sync with one

another.<sup>8</sup> In some countries, the timing of assistance is further complicated by local elections in various regions not occurring on the same date. The impact of election schedules is discussed further in the next section.

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<sup>8</sup> Local elections for legislative bodies are often held on the same day, nationwide. Local executive branches of government are often elected on separate days and on separate cycles. For example, in Indonesia, governor and mayoral department elections will often fall on separate months or years in varying provinces and districts. Additionally, different EMBs manage the executive and legislative elections, respectively.

**Mandate for local elections:** In some countries such as Afghanistan and Indonesia,<sup>9</sup> different bodies are responsible for administering local and national elections. The task of managing a local election can therefore fall to varying actors, including the national election management body, the Mol, or independent local election commissions. As such, consideration must be given to methods for running two concurrent cycles and support extended to bodies responsible for managing these elections. This will affect where, how and to whom an Electoral Support Program – especially one with limited human and financial resources – should provide technical assistance around the electoral cycle.

**Timings and mandates – multiple interactions:** When looking at the management of local elections and the delivery of technical assistance, single or double interactions within one or multiple time-tables should be considered. National and local elections may be held simultaneously or in isolation. Such elections may be run by the same national election management body (NEMB) or by multiple local election management bodies (LEMB). As such, these two axes can interact in different ways:

- **One cycle one EMB:** one election management body (NEMB) may run all elections at the same time
- **One cycle, multiple bodies:** multiple authorities (NEMB and LEMB) may run national and local elections at the same time

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9 In Afghanistan, Community Development Council elections (while not the constitutional bodies for district governance) are administered through the Ministry for Rural Rehabilitation and Development and in Indonesia, the KPU administers national, and legislative elections, though independent provincial bodies administer local executive and village elections.

- **Multiple cycles multiple bodies:** multiple authorities (NEMB and LEMB) may run national and local elections at different times (*multiple cycles, multiple bodies*).

**Timing of assistance and capacity building programs to core electoral elements:** With varying electoral cycles and schedules, organizations and individuals managing elections and providing technical assistance will need to consider the timing and geographical implementation of core electoral elements such as staff training, voter registration and voter/civic education exercises.

Will these elements be implemented nationally or tailored to local scenarios and bodies, or both? Will technical assistance be provided to one national EMB or multiple local EMB's, or both? Consideration must be given towards implementation of other support activities such as BRIDGE<sup>10</sup> trainings or other capacity development work, GIS mapping exercises, reviews of electoral legislation, advanced strategic planning, lessons learned workshops, linking civil and voter registries, south-south exchanges, and study trips. Depending on who administers an election as well as forthcoming elections, any assistance provider may have to prioritise their focus on supporting either national or local events.

Multiple bodies running multiple cycles, particularly at the local level, will impact management, budgeting and planning. For example, should voter registration take place at the national level to coincide with national elections or will frequent, tailored, localized efforts be required? If staggered localized efforts

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10 BRIDGE stands for Building Resources in Democracy, Governance and Elections. It is a modular professional development program with a particular focus on electoral processes.

are required, will this impact the level and cost of required technical assistance? Educational assistance programs will also be affected. A technical assistance provider may have to support geographic training programs rather than national programs, requiring additional human resources and increasing costs. The principle question regarding use of the electoral cycle will be whether and how to support general programs as opposed to local programs. Producing

an answer to this question will be easier if an Electoral Support Program has to work with a single administrator such as a NEMB and its local offices. If working with the MoI, the assistance provider may have to work around existing cycles of ministry work. If working with independent local bodies, assistance programs may have to focus on smaller individually tailored programs.



# Factors affecting local election management in the Asia-Pacific region

Methods ensuring effective local election management such as incorporating gender into EMB administrative structures, developing gender sensitive activities, communication between layers of electoral management, addressing electoral violence, and conducting electoral dispute resolution will vary from country to country. These thematic areas may be affected by such factors as: time-frame since decentralization; municipality size; uniformity of electoral law; election timing; mandates for running

elections; the prevailing security environment; media and stakeholder relations; the presence of gender policies; EMB permanence; EMB oversight; and coordination mechanisms. A summary is outlined below.

**Period since decentralization:** The distance a country has travelled down a decentralization path will have a direct impact on its local election management capacity and practices. While many

countries in the Asia-Pacific region have a history of controlled decentralization and forms of executive appointed local governments, no country in the area has a long history of direct local elections. However, some are more advanced than others.

Sri Lanka (1987), the Philippines (1991), India (1993), the Republic of Korea (1995) and Thailand (1997) are examples of countries with established decentralization laws and democratically elected local institutions. They have undertaken several local election cycles during which each election management body has been able to incorporate lessons learned and best practices into their respective management models. These countries are often leaders in South-South best-practice exchanges and have experimented with technological approaches to administering elections. They have also undertaken significant steps in pursuing gender sensitive practices, espoused independent models for running elections, and have established professional secretariats. However, having a (recent) history of decentralization is not necessarily an indicator of effective local election management. Recent violence and patronage networks influencing Thailand's local elections exemplify the importance of transparency in election management, effective dispute resolution and avoidance of violence. Questions over local poll rigging and electoral violence, as experienced in the Philippines and cases of unregulated campaign financing and a lack of accountability in the Republic of Korea also raise questions.

Countries such as Indonesia (2004) and Timor-Leste (2004) have recently passed decentralization laws and are both now entering the second cycle of local elections. In these examples local administrative and electoral laws are being designed and adapted, capacities of local institutions/secretariats are being

built and physical infrastructure is being constructed. Other nations are either starting or re-starting direct local elections. For example, following the establishment of a democratic republic in 2008, the Maldives administered its first local elections in 2011 by replacing executive appointed island chiefs with democratically elected local councils. The elections experienced a high voter turnout even with limited human resource capacity, inefficient counting procedures and low levels of civic education. In Pakistan, despite a history of inconsistent decentralization, updated local government acts are being drafted. However, local elections have yet to be administered as of October 2012, as scheduling issues and low voter turnout have proven to be major barriers. Afghanistan,<sup>11</sup> with its unconstitutional district community development councils and Nepal, which is deliberating a new federal structure have also not held elections as of 2012.

#### **Number of municipalities and population size:<sup>12</sup>**

Seven of the world's fifteen most populous countries lie in the Asia-Pacific Region. It also holds some of the world's smallest nations.<sup>13</sup>

In countries such as the Maldives, Timor-Leste, the Solomon Islands, and Fiji, a small electorate spread over a small number of administrative divisions makes micro-election-management at the local level possible. In Indonesia, which has provincial, regency, district, sub, district and village layers,

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11 With the exception of Provincial Councils elections held in 2005 and 2010

12 See Annex 1: Local Election Matrix, for more details on the administrative set up and challenges of a selection of EMBs in the Asia-Pacific region

13 The largest: China, India, Indonesia, Pakistan, Bangladesh, the Philippines and Vietnam to the smallest: American Samoa, Tonga, Kiribati, Samoa, the Maldives and the Solomon Islands

even the lowest level (village) could be larger (area and population-wise) than the entire Maldivian or Fijian nation. The Philippines, Pakistan and Bangladesh also have multiple, highly populated, administrative divisions. Therefore, if an EMB secretariat of limited size is overseeing an election for a 400,000 person constituency as opposed to a 900 person constituency, management standards and communication will likely be affected, particularly when EMB secretariats are freshly recruited and inexperienced. Additionally, larger countries require larger numbers of EMB staff who need to be recruited and trained. In such circumstances, finding sufficiently qualified or adequately educated staff may be an issue, particularly at the polling station level. For example, in Afghanistan and some areas of Pakistan, illiteracy rates amongst female populations prove to be an obstacle for recruiting female polling staff. Furthermore, in countries with multiple administrative and election management layers such as Indonesia and Bangladesh, communication and coordination will become increasingly complex, especially with involvement from governmental departments.

Challenges in countries with smaller populations also exist. In the Maldives, the EMB has had difficulty maintaining core local election staff. In some island constituencies, a combination of high staff turn-over and small constituent populations led to hiring officials from 'outside' an island, rendering the expansion of local capacity for future elections difficult. However, the Maldivian EMB has been able to hire a greater proportion of women at the local level though this is not reflected in upper levels of senior management.

**Uniformity of election law:** While existing legislation for general and local elections will affect local election

management, remaining laws under legislative or parliamentary consideration may indefinitely delay local elections. This has been the case in Timor-Leste, where the delivery of municipal elections has been delayed for several years. Similarly in Pakistan, draft local election acts, awaiting promulgation by provincial assemblies, have set-back union council elections. Late promulgation of legislation may also not allow sufficient time for new procedures to be communicated to the local level, creating space for the manipulation of election procedures. This is exemplified in Indonesia where updated regulations for the complaints body (panwaslu) were only put in place mid-way through the local electoral process. Moreover, the continued revision of electoral laws may produce a profusion of laws resulting in contradictory procedures communicated to lower levels of election management within given timeframes.

A set of non-unified laws may permit contradictory technical processes or allow for political interference in the form of quick reforms favouring an incumbent candidate, thereby undermining the credibility of the election. Local elections in Aceh, Indonesia in 2012 exemplify this situation. The incumbent governor who was elected in 2006 on an independent ticket<sup>14</sup> was a member of the officially recognised Party Aceh. In the lead up to local elections the said candidate was pushing reforms that would only allow politically aligned candidates to stand for election, thereby blocking his principal rival who remains unaligned.

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<sup>14</sup> The law on political parties in Indonesia at that time only allowed political parties that were nationally based, and the incumbent governor, then a member of the Free Aceh Movement (GAM), would not have been permitted to stand in the 2006 elections. To counter this problem, faced by many potential candidates, the local election law was amended to allow independent candidates to stand for election.

In Timor-Leste, the theme of unified laws resurges as Presidential, Parliamentary and Village (Suco) elections require the passing of a separate piece of legislation prior to each election. The pending of the municipality election law has delayed the start of official local electoral processes. In Pakistan, a 'currently inaccessible and fragmented set of laws make up the country's election legislation<sup>15</sup>' thereby impacting the electoral processes and their administration. Therefore, it is likely that a single electoral law would not only foster stability, but would also assist the EMB in fulfilling its mandate more efficiently. Regardless of whether a single or a set of separate electoral laws exists, the need to establish rules and regulations well in advance of an election as well as not permitting changes or amendments in the run up to an election will enhance electoral integrity.

**Election schedules:** Regardless of the size of a country, decentralised structures accompanied by staggered local election schedules may lead to problems with oversight as well as communication between layers of election management. Local election administration may often be deemed as free, fair and transparent. However, without systematic monitoring, it is often difficult to ascertain if this is actually the case. Such was the situation during the 2004/2005 village elections in Timor-Leste and in more recent Indonesian local elections. Polling processes taking place over multiple phases were not entirely unobserved but lacked thorough and comprehensive oversight. However, staggered election schedules are not the only reason for poor oversight. During Afghanistan's 2006/2007 Community Development

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15 FAFFEN – Election Law Reform Project – A Unification of Pakistan's Legislation including Model Provisions for Electoral Reform

Council elections, a lack of basic capacity limited domestic observation<sup>16</sup>.

Holding multiple elections over a drawn out period also increases costs. If current schedules are adhered to, Afghanistan will only have three *election free years* between now and 2025, duplicating efforts and increasing electoral expenses.<sup>17</sup> While the 2004/2005 Suco (village) elections in Timor-Leste were staggered by twelve months, the 2009 process was completed in one day, greatly increasing efficiency and reducing costs. Between 2005 and 2008, Indonesia held nearly 500 staggered local elections. While the immense scale of the country makes this situation somewhat understandable, it still generates a high price for holding local elections. In addition to these points, if a local electorate is bombarded by multiple local executive and legislative elections, in addition to national elections all staggered at different times, it creates perfect conditions for election fatigue and voter apathy. This outcome also stands true for assistance providers.

**Security:** While not pertinent to most countries in the region, the prevailing security environment will certainly influence the ability of election management bodies to undertake voter registration updates, implement effective civic/voter education, train staff, schedule and hold local elections. While the non-establishment of new district divisions in Afghanistan has been stated as a reason for local elections being postponed, eleven EMB staff were killed during

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16 The Free and Fair Election Foundation of Afghanistan (FEFA) has undertaken four national observation missions (2004, 2005, 2009 and 2010)

17 The Independent Electoral Commission of Afghanistan in announcing the 2014 electoral calendar, has shifted the Provincial Council elections from 2013 to be held jointly with the 2014 Presidential elections, citing reduced costs.

the 2009 provincial council elections. Hence, a poor security environment cannot be overlooked as a barrier to holding successful, transparent local elections. Similarly in Pakistan, low turnout during the 2005 local elections process was linked to perceptions of poor security.

**Gender focal points:** Long standing cultural and religious biases have been obstacles towards the participation of women as electoral administrators in the Asia-Pacific region. As a result, gender mainstreaming policies within election management bodies are unusual at the national level and even rarer at the local level. Even where these policies formulate official parts of an EMBS strategic plan, the policy implementation process is usually slow and not granted priority.

In Afghanistan, Papua New Guinea and Pakistan, EMBs have made efforts around election events to call for female polling stations and encourage female polling staff. However, these reforms were not reflected in the EMB leadership and management positions. The Maldives is a unique example as no internal gender quota for EMB or poll worker staffing exists, yet the majority of local level polling booth staff are female. However, when moving up the management chain, few Island commissioners are female and a lesser number are present within the decision making bodies of the national commission.

The establishment of gender focal points within EMBs to advocate for the appointment of women as election administrators is an implemented measure in some Asian countries. The appointment of local level gender focal points within Afghanistan's provincial election commissions and the establishment of a gender focal point within the Election Commission of Nepal are examples of EMBs beginning to take the issue more seriously. However, in March 2012, only

one district election officer out of seventy five was female illustrating how the Elections Commission of Nepal has a long way to go to ensure gender equality in its management practices.

**Media relations:** An election management body's relationship with the media is fundamental, not only for reasons of transparency but also to raise public awareness of, and confidence in, the electoral process. By utilising the media, an EMB can also have an important role as provider of gender sensitive coverage during elections and mitigate electoral violence. During Aceh's 2006 local elections in Indonesia, the EMB utilised an Information and Media Centre to hold regular press conferences, press tours, and public events. It also produced a wide range of voter information materials. However, media centres tend to be dependent on donor funding and for the 2012 local elections, with less donor support, the Aceh media centre appears to be a shell of its former-self. Moreover, in less 'high profile' Indonesian provinces, EMBs do not have such a tool. Most local EMBs in the region will neither have funds nor resources to set up physical media centres, though coordination with local media can and should be maintained.

**EMB professionalism and outreach to stakeholders:** Insufficient outreach by local election commissions, poorly trained staff, biased local election organisers and inexperienced local EMB commissioners, are factors contributing to electoral violence. During Indonesia's local elections, violent incidents have been linked to shortfalls in administrative and management leadership. As also experienced in the Maldives, a lack of trained polling staff and subsequent difficulties with polling technicalities led to the majority of reported electoral disputes on election-day.

Many countries have taken steps to address these issues. In Bangladesh, the lack of adjudication of complaints had been a consistent weakness in the local electoral process, yet in 2009 when evidence was found which questioned the independence of local officials overseeing sub-district (*upazila*) elections, the EMB was able to bring neutral employees from other geographic areas of the country. This practice restored public confidence in the complaints process. Similarly, following allegations of fraud during Afghanistan's 2009 provincial council elections, efforts were made to remove and rotate local staff. Moreover, as a result of high levels of intimidation and in reaction to heavy criticism for the manner in which complaints were handled during the 2002 Commune Council Elections, the Cambodian National Elections Committee engaged with political parties and civil society to clarify the complaints process. It also targeted local offices with specific complaints training.

**Oversight, transparency and coordination:**

Transparency and oversight are important to civic and political confidence in local election processes. Monitoring is normally the premise of national and international civic or governmental organisations, though election management bodies should also have their own, internal, monitoring and evaluation structures. Some countries also use oversight bodies, such as the Panwaslu<sup>18</sup> in Indonesia and National Election Commission (CNE) in Timor-Leste.

Transparent election management bodies will increase the confidence of monitors, civil society, the media, citizens, and political parties in the process. No matter the quality of an election management

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<sup>18</sup> Some commentators have noted that the presence of state supported oversight and monitoring bodies in Indonesia, actually discourages civil election monitoring organisations.

process, if access is denied, purposefully or as an unplanned oversight, the quality of the election and trust in the electoral process will be diminished. The extent to which all stakeholders (political parties, civil society, media, police and judiciary) have access and 'buy-in' to any given election process will not only increase public trust but will also enhance the ability of a local EMB to engage in dispute resolution.

Transparency, or just as importantly the *impression* of transparency, throughout the election cycle is critical. No matter how well an election is administered or technically executed, an election process will be criticised by stakeholders if they not adequately engaged in the process. During the 2008 and 2009 Presidential and Parliamentary elections, the Maldivian EMB, through its National Advisory Committee for Elections<sup>19</sup>, opened its doors to stakeholders for several months prior to and after the election date. Despite administrative and technical shortcomings, these elections heralded as transparent thereby augmenting trust in the transition to democracy. In contrast, during the 2011 local elections, the EMB established an advisory committee just three days prior to election-day. While the 2011 elections were administratively and technically improved, they were criticised heavily for a lack of transparency.

**Complaints mechanisms:** An election can only be credible if access is available to electoral dispute mechanisms that are independent, impartial

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<sup>19</sup> The National Advisory Committee for Elections was set up several months prior to the 2008 and 2009 elections and only three days before the 2011 local elections. Civil society, political party, human right commissioners and police representatives were invited to be committee members. As well as bolstering the transparency of the electoral process, the commission proved to be a strong platform for resolving electoral disputes.

and effective. Therefore, a major component of a functioning local electoral system is a transparent and fair process for resolving electoral disputes. EMBs should play a key role in the preliminary adjudicative process for complaints, especially as inadequate mechanisms for political parties, candidates and citizens to channel grievances, complaints and allegations of fraud can impact local election management and destabilise a broader democratic process. Some countries in the region have well established processes and mechanisms while others lag behind in this regard. Electoral disputes often occur beyond an election event creating significant problems as complaints bodies are often temporary structures, particularly at the local level. In countries such as Indonesia, Pakistan, Bangladesh, Afghanistan, and the Maldives, local complaints bodies have been established one month prior to an election which limits their effectiveness.

Despite such shortcomings, since Afghanistan's first round of provincial council elections in 2005, the EMB has strived to enhance its dispute resolution processes and has given greater autonomy to provincial electoral complaints commissions who have since become empowered decision makers at the provincial level. Additionally, whereas no effective mechanisms were in place to receive and adjudicate complaints, resolve disputes or enforce criminal offences during Indonesia's first round of elections in 1999, local complaints bodies (Bawaslu) have been established. These do, however, have limited enforcement capacity and are staffed by officials limited to investigating administrative issues, particularly relating to candidate nominations (declarations of health etc.).

Another example of handling complaints comes from India, Sri Lanka and Thailand, where in 2011, dedicated call centres were established by the EMBs to receive complaints of electoral fraud for local election processes.



## Conclusions and General Recommendations

The timing of local electoral events, the scale of a local election, assessments of the political impact of a local election, and the body tasked with managing local elections may influence support provided to local election management bodies and processes. Support to local elections is more likely to be forthcoming if local election stakes are high. This may affect a country's stabilisation process as exemplified in Aceh, Indonesia where international support to the 2006 Aceh pilkada local elections was greater than support to the entire 2009–2012 pilkada in all of Indonesia.

Most aspects of local election management including electoral dispute resolution, complaints processes, and gender sensitive practices are similar to those of national election management. National and local election *management* both present similar challenges and needs. Levels of support may depend on which body is responsible for managing local elections and if an assistance provider has the capacity to work with one national body or multiple independent local bodies. A top to bottom approach, through a national EMB with subordinate sub-national

offices, may be a preferable system for assistance providers to operate within. This has been the case in Indonesia, Afghanistan, Bangladesh and East Timor for both national and legislative elections. However, in countries such as Indonesia, Bangladesh and potentially Pakistan & Nepal, where a large number of local executive elections take place or are planned to occur over a staggered cycle, the main issues when considering the provision of support and technical assistance relate to how and where support should be given and what priorities exist. Hence, the selection of national versus local events will have to be considered. If local elections are to receive support, a choice may have to be made between areas of conflict/post-conflict, marginalised or deprived areas, parts of a country with large indigenous populations, etc. If a local area is not in crisis, support to the management of their elections may be marginalised.

Support to local level election management may have to be tailored and perhaps can't be as 'encompassing' as desired. However, when considering the management of local elections – defined oversight mechanisms, transparent management practices, active coordination, empowered complaints bodies, unification of election laws, enhanced voter registration, synchronised election schedules, effective stakeholder and media relations, and the overall technical capacity of the local election management body must be considered as benchmarks for support and assistance. As such, suggested approaches for future policies in enhancing local election management are outlined below.

**Analysis of election laws:** As highlighted throughout the paper, multiple election laws for national legislative, parliamentary, presidential and local legislative and executive elections may

produce contradictory and confusing procedures for all election events. Moreover, constant revisions of election laws may further complicate the delivery of elections, particularly as new procedures, legal provisions and systems may impact the transparent delivery of elections. An analysis of election laws and suggestions on possibilities for the production of a unified election law covering all elections may assist with building election management capacity bodies and increase transparency of elections.

**Focus on enhancing EMB capacity at the local level:**

Training of commissioners, secretariats and polling committees/returning officers is crucial to effective local election management. The establishment of local cadres and a focus on building capacity between election events is a significant element in supporting effective local election management and mitigating electoral violence. As highlighted in the paper, human solutions may be better and more cost effective than technological solutions. Additionally, electoral violence may be readily avoided if local commissions have the capacity to deal transparently and maturely with stakeholder grievances. Without required experience and capacity, minor grievances may be mismanaged and can quickly spiral out of control, leading to unnecessary violence.

**Gender mainstreaming in electoral administration:**

A concerted effort to engage women, not only in participating in electoral processes as voters and candidates, but as deliverers of democracy is important to ensure all segments of society have a role in all stages of the electoral cycle. EMBs with gender recruitment and career management policies as embedded components within their strategic plans would strengthen their ability to engage all segments of the community in electoral processes,

including engagement with local communities to promote women's participation at election events.

**Focus on civic and voter education:** With the establishment of effective local government through credible elections, local communities are likely to become increasingly active towards demanding services, holding local authorities accountable and looking at local elections as a means to achieve the promise of development. In this regard, it is imperative that civic education – in regard to the responsibilities of local government and local citizenry – is maintained as an important strategic activity in both national and local EMB planning. As such, expectations can be managed, local governments understood, and the importance of peaceful elections underscored. If such steps are taken, participation in local elections is likely to remain non-violent and high. As civic activism tends to be higher in urban as to opposed to remote areas, civic education should have a rural focus.

**Synchronisation of election timetables:** Unsynchronised election events may lead to election fatigue (both amongst the electorate and donor community), difficulties in choosing where assistance may be provided, challenges in observing and monitoring multiple elections, opportunities for fraud, high costs and decreased transparency. Synchronisation of local elections can lead to enhanced training of staff between election events, improved monitoring, and a reduction in election fatigue.

**Linking local election support and decentralization/governance programming:** Where decentralization devolves important service delivery functions to local government, it is important that civic education relates to both the responsibilities of local government and the local citizenry. This is an important strategic activity which should be coordinated between both national and local EMB planning. It would also tie the implementation of elections more closely to broader outcomes of ensuring effective local democratic governance.

**Balanced support-local vis a vis national elections:** Countries with multiple staggered local elections and with an overriding requirement for support to national elections at the expense of local election events should be supported. Areas of conflict/post-conflict that are marginalised or deprived, or where large indigenous populations reside should also be considered for local election support. The identification of areas where local elections may provide a spring board for new techniques and practices in administering national elections may also be considered. Running local elections can sometimes be a good entry point as they provide opportunities for a national election management body to consolidate experience prior to engaging in a national event. As local elections may have less overall impact, this may provide opportunities to test new practices and programs (such as electronic voting, biometric registration etc.) on a geographic basis.

# Council Election

Sin Chiu/Reuters



## Case Studies

### Afghanistan

Under the Afghan constitution, presidential and parliamentary elections are held every 5 years; provincial council elections every 4 years; and district, municipal & village assembly elections every 3 years. Of these, two rounds of presidential, parliamentary and provincial council elections have been held since 2004. The next tier of local elections beyond the provincial level will require substantial planning and additional capacity strengthening within the electoral commission's local secretariats.

Afghanistan has 398 officially recognised districts divided amongst 34 provinces. These districts are further divided into sub-districts containing over 30,000 villages which are often geographically isolated and difficult to access. For multiple reasons

such as security concerns, difficult access and the sheer number of remote communities, local level governance and democratic development has been somewhat neglected. As stated in a recent paper by the Afghan Research and Evaluation unit, 'substantial resources and effort have been applied to the development of central government structures, though local government has not received nearly the same level of attention.'<sup>20</sup> This includes strengthening local election secretariats and preparations for management of local elections.

With the country still struggling to emerge from decades of conflict, building local electoral capacity

<sup>20</sup> Saltmarsh, Douglas and Medhi, Abhilash – *Local Governance in Afghanistan, a View from the Ground*, Afghanistan Research and Evaluation Unit Synthesis Paper, June 2011

will require attention to many aspects of the election cycle. Consideration must be given to: development of legal frameworks enhanced operational planning, further training and educating of staff, extensive public outreach and civic education, the production of accurate voters' lists, and transparent local complaints mechanisms. Managing a staggered local election cycle also presents significant operational and logistical challenges for election commissions entrusted with administering local elections.

### The Election Management Body

Afghanistan has a nascent and centralised electoral system with one Independent National Election Management Body responsible for national and local elections. The Independent Election Commission (IEC) uses thirty four provincial election offices to hire and train electoral staff, administer elections, undertake voter registration updates and carry out voter education. Presently, IEC administered local elections have only extended to the provincial level with provincial councils elected in 2005 and 2009.

The most significant permanent election official at the local level is the provincial election officer (PEO). The next layer of election administrators are district field coordinators (DFCs) consisting of temporary officials recruited prior to an election event. With high levels of illiteracy, no former experience, and limited recruitment oversight, the capacity of local level election officials may be limited.

### Decentralization and Local Elections

While no constitutionally elected bodies currently exist below the provincial level, the constitution makes provisions for election of district, municipal and village councils. Provincial and district governors are executive appointments but the constitution states mayors are to be directly elected. The election law tasks the IEC as the independent body responsible

for administering mayoral elections however officially coordinated elections have yet to take place. Some mayoral elections were supported by provincial IEC offices in 2008 and 2009 though most mayoral appointments continue to be direct executive appointments.<sup>21</sup> Also, district council elections slated to take place in 2004 and again in 2010 have been left unimplemented largely due to lack of consensus on creating formal district divisions.<sup>22</sup>

The Government of Afghanistan's National Solidarity Program (NSP), led by the Ministry for Rural Rehabilitation and Development, undertook a series of local elections for community development councils (CDCs) from 2006 to 2008. These CDCs have effectively functioned as district councils and performed the tasks of local government. CDC elections were implemented by local NGOs and heavily adapted electoral systems to suit local political, gender and security sensitivities. CDC elections fall outside any constitutional framework and have been incorporated into national legislation through by-laws which expand the role of the CDC and provides coordinating and administrative functions beyond the original scope of CDC activities.

### Challenges and Best Practices

#### **Effective local management and commutation between levels of election management:**

Following the 2005 parliamentary and provincial council elections, local provincial election bodies were essentially cast adrift by support providers as well as the IEC. A majority of the trained secretariat was dismissed. Assets were removed including tools

21 During president Karzai's inauguration speech in December 2009 he promised that district and mayoral elections would be held, however as noted, a lack of clear district delineation has prevented such elections taking place.

22 Responsibility for such boundary delineation lies with the Ministry of Interior and any new or adapted constituencies will subsequently be communicated to the IEC.

for communication with the national IEC. Salaries were slashed and rental payments for offices were discontinued. As such, a skeleton team consisting of a PEO & small administration staff as well as a finance officer remained with no office to base themselves nor coordinate from.

This lack of foresight left provincial commissions poorly equipped to administer the 2009 provincial council elections. After a three year pause in local IEC activity beginning with the registration update in early 2009, capacity and assets had to be rebuilt basically from scratch. Moreover, a last minute regional management structure was established staffed predominantly by officers with no former election experience. Rather than assisting two-way communication between central IEC and the provinces, the new structure often disrupted communication and hindered the activities of provincial officers.

During the election events of 2009 and 2010, the IEC's provincial offices received capacity support in the form of international technical advisers. However, until recently support programs continued to be Kabul centric with only limited workshops targeting provincial offices. From 2012 the United Nations capacity development assistance to the IEC encompassed provincial office staff as well. The provision of provincial offices and warehouses is critical to establishing the IEC as a permanent institution and ensuring a cost-effective and efficient contribution to future national and local elections. This is now being addressed, and by the end of 2013 several provinces will have IEC offices and ware houses built. Each provincial office will be in a position to operate around the electoral cycle if it is provided with a permanent office, sufficient staff and adequate tools.

**Frequency of elections:** The constitution of Afghanistan calls for multiple elections including national, legislative, mayoral, provincial, district and

village elections. Currently, these all fall on different cycles. Elements such as limited IEC capacity, reduced budgets, a volatile security situation and the withdrawal of NATO troops (and associated logistic support) also present a significant burden to the IEC and Afghan government. Assuming elections beyond the provincial level proceed, the years 2012, 2018 and 2023 could theoretically be the only election-free years between now and 2025. With turnout for the 2009 provincial council elections hovering around 40 percent, overburdening local communities may induce election fatigue. If the said electoral schedule is pursued, district, village and municipal elections in addition to improved operational and administrative capacity will call for the implementation of additional layers of voter and civic education.

Improvements to the dispute resolution practices of the 2009 provincial council elections were relatively successful as the 2010 parliamentary elections experienced increased decentralization of the complaints process. Greater autonomy was given to provincial electoral complaints commissions (PECCs) who no longer served as 'mail boxes' for delivering complaints to the ECC. Instead, PECCs became empowered decision makers at the provincial level. Positively, the PECCs also employed professional law makers. However, short set-up time and rushed training did limit some PECCs ability to effectively adjudicate complaints. During the 2010 elections, PECCs allowed two layers of appeal to increase transparency. The first was carried out at the provincial level and if necessary, a second review was conducted at the central level. No formal complaints of dispute resolution processes were established for local CDC elections. As a recommendation, new policies and structures endorsed by the IEC in 2010 should be adopted for future local election cycles.

**Staff capacity and institutional strengthening:** To combat power and patronage networks

experienced during the 2009 provincial council elections, the IEC has introduced a policy of rotating Provincial Election Officers. The IEC has also attempted to centralize recruitment of 83,000 temporary staff including District Field Coordinators (DFCs), voter educators, and polling staff. 6,000 staff members have been subsequently blacklisted due to alleged involvement in electoral misconduct in 2009.

While the effectiveness of these measures can be debated, they should be lauded as broad (or even radical) attempts to create an increasingly transparent process. However, such clean-up operations will have limited impact considering the administration of local elections where stakes are higher and centralised oversight increasingly difficult. Therefore, prior to any local election events, it is crucial increased support be provided for staff training and capacity building outside the election event. Implementing a policy mandating the creation of polling staff cadres should also be considered. The training of staff, in particular women, can be undertaken during interim election periods when security or other political limitations may not be prevalent.

**Women's participation in local elections:** Long standing cultural and religious biases have

presented barriers to the participation of women in both the election administration and political landscape of Afghanistan. To increase women's political participation, a quota system was devised for the 2005 provincial council elections. In 2010, the IEC established a separate gender unit to oversee the process of promoting women's participation in elections. A system of gender focal points was established alongside placement of a gender specialist in every province. Positively, these specialists conducted consultations, gave lectures and delivered training programs in local communities. However, future gains may be achieved if gender focal points continued to engage with communities beyond election events.

As a measure to prevent fraud in previous elections, the IEC limited voter registration to provincial and district centres. This has the potential consequence of disenfranchising voters, particularly women, who are unable to travel to registration points. It may also have a significant impact on participation in local elections. However, if voter registration is successfully completed prior to any district or village elections, it would be a positive step forward in reducing corruptive electoral practices.



## Indonesia

Following the decentralization Acts of 1999 and as outlined in Article 18 of the Constitution, regional and local governments are granted autonomy. Over the past decade, Indonesia's districts have become major administrative units providing most government services. Since 2005, heads of local government (governors, regents, and mayors) have been directly elected by popular election. However, Indonesia's huge population, multiple administrative divisions, decentralised local government structures, and mix of election systems present considerable challenges to the management of elections at the sub-national level.

Each of Indonesia's 33 provinces<sup>23</sup> have their own government and legislative body. Members of the 'Provincial Legislative Assembly (DPRD *Provinsi*)' are elected every five years on the same day as national legislative elections. Executive heads of provincial government, in the form of a governor and vice governor, are elected in pairs on five year cycles with elections staggered between provinces. Provinces are subdivided into 370 rural districts or regencies (Kabupaten) and 95 urban districts or cities (Kota). Both Kabupaten and Kota have their own local governments and legislative bodies. Each Kabupaten and Kota has a District/City Legislative Assembly (DPRDK *Kabupaten/Kota*) directly elected for a five year term on the same day as national legislative elections. Executive heads in the form of a Regent or district head (Bupati) in rural districts and a Mayor (Walikota) in urban districts are elected on five year cycles with elections staggered between districts. Districts are also divided into 6,080 sub districts (kecamatan) whose leaders are appointed by the district mayor or regent/head. At the lowest level of the administrative hierarchy exists the 7,800

city villages (kelurahan – or administrative 'villages' within a city/kota) and 65,000 rural villages (desa – or administrative 'villages' within a regency/kabupaten), collectively known as administrative villages. The head of the Kelurahan is appointed by the sub district leader. The head of desas (known as the kepala desa) is directly elected for six year terms by local villagers with elections staggered between villages.

Between national elections, provincial and district legislative elections, provincial and district executive elections, and local village elections, it is clear that a staggering number of elections are held with each election requiring a high standard of technical capacity.

### The Election Management Body

Indonesia's Law 22/2007 created a hierarchical chain of election management from the national to the village level. The law gave the National Election Commission (KPU) and its subordinate 'local' offices, administrative and financial responsibility for administering 'local' legislative elections. This included polls for Provincial Legislative Assemblies (DPRD *Provinsi*) and District/City Legislative Assemblies (DPRD Kabupaten/Kota) Subordinate offices of the national KPU, responsible for administering provincial and district assembly elections at the local level include: the Provincial Election Committee (Provincial KPU) and Regency/Municipal Election Committee (Regency/Municipal KPU); the Sub-District Election Committee (PPK) established by the Regency/Municipal KPU to conduct these elections at the sub-district level; the Village Polling Committee (PPS) established by Regency/Municipal KPU to conduct these elections at the village level; and the Polling Station committee (KPPS) established by the PPS to conduct these elections at the polling station level.

However, the 2007 law did not place local direct elections for provincial governors, mayors and district heads, known as Pilkada, under direct central KPU

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23 Indonesia is made up of 33 provinces five of which have special status: Aceh, Papua and West Papua with special autonomy (Aceh also uses Sharia law); Yogyakarta as a sultanate or special district; and Jakarta as a special capital region.

control. Instead, as per Law No. 32/2004, provincial and district administrations continue to finance their own local polls, and local councils continue to regulate district electoral bodies. There are two types of local commissions at the regional level administering the Pilkada: provincial KPUs and district/city KPUs, both known as KPUDs. In turn, these KPUDs are responsible for forming sub-district, village and polling station committees. The KPU in Jakarta oversees the provincial KPU but has no existing role in financing local executive elections.

District and city KPUs are funded from their respective district and city budgets. Local executives having control over the KPUs budget for local elections is a factor complicating local election management. This is currently the case in Aceh province where the local legislator (DPR Aceh), unhappy with new national legislation allowing independent candidates to stand for election, is withholding budget allocations for district KPUs. As of December 2011, the Aceh case was being considered by the constitutional court, and had twice caused the postponement of local elections.

In addition to city and district KPUD, a local election oversight committee or complaints body, known as the Panwaslu, has been established. Moreover, since 2008, losing candidates can also launch electoral complaints to the Constitutional Court. Further complicating local election management, provincial KPUs in Aceh and West Papua have special status. As provincial KPUs are independent from the central KPU, provincial KPUs have a set of local election laws adapted for local settings.

### Decentralization and Local Elections

Following the passing of Law No. 32/2004, the first cycle of direct elections for local heads of government began in June 2005 and continued until late 2008. With the exception of local elections in Aceh (2006) and West Papua (2011), local electoral processes

have been largely unobserved nor supported by both the international community and donors. The first cycle of local elections was generally deemed to be free and fair though a number of violent incidents and complaints were principally linked to the quality of voter registration lists and poor election administration. Despite relative successes, the legal basis for disputing elections results was deemed to be weak and the effectiveness of local oversight committees were called into question. The second cycle of local elections commenced in 2010 and commentators continue to stipulate that poor election administration and coordination with stakeholders are causal factors behind most incidents of electoral violence.

### Challenges and Best Practices

**Effective local management and institutional strengthening:** Most members of a KPUD secretariat are civil servants. No formal core of election officials exists in title, salary or grade. These officials are often seconded to temporary KPUDs and managed by Commissioners. Local election commissions can therefore be considered deformed in structure. Commissioners, who should be decision and policy makers, are often over involved in the day-to-day micro-management of elections thereby obstructing the development of a technically equipped secretariat which survives the tenure of election commissioners. Instead, after a period of leadership, commissioners leave and take with them valuable skills that local secretariats should have acquired. This negatively affects the quality of future local election management. Additionally, an overly bureaucratic selection process often leads to the recruitment of young under-qualified commissioners. With no permanent secretariat, the significance of the commissioner's role is heavily augmented. However, as positions are sometimes filled by under qualified or overly young officials with little or no community

standing, the ability to lead the secretariat and effectively coordinate with stakeholders is limited.

Similar to the Nepalese context, staff rotation in and out of the secretariat poses significant challenges to electoral administration. Only reform of civil service practices will encourage the creation of a dedicated elections 'core' secretariat. However, the appointment of commissioners is an area where the KPU can augment its local practices. By ensuring accessible and non-bureaucratic recruitment, the KPU can encourage diplomatic candidates who may also be good technocrats with good community standing. Hence, these individuals are also in a position to address potential triggers undermining the election process.

#### **Electoral dispute resolution and electoral violence:**

Indonesia's first rounds of parliamentary elections and two presidential elections, both held in 2004 and 2009, were widely praised by the international community for being conducted in a relatively peaceful and free environment. However, the Pilkada process has witnessed greater levels of conflict and violence. Of the 282 Pilkada's held between 2005 and 2007, violent incidents occurred in 41 districts, four local commissions burned down and eighteen commissions were damaged.<sup>24</sup> Moreover, in some areas of the country, reports have indicated the 2010 Pilkada was also affected by on-going conflict and violence. It is highly likely the grass roots nature of the Pilkada as well as the proximity of candidates to the electorate and personalised local commissions can cause emotions to run high, particularly if local election management is perceived to be unjust or non-transparent.

While the immaturity of local democracy may be a causal factor of violence, a number of electoral complaints and outbreaks of violence during

both Pilkada cycles have been linked to poor election administration, biased KPUD staff, and a lack of outreach. Several commentators refer to inexperienced KPUDs headed by young staff as well as the mismanagement of local disputes allowed grievances to spiral out of control. During the 2011 Pilkada in West Papua, KPUD staff worked from undisclosed secret locations isolating themselves from stakeholders which created a lack of transparency and contributed to electoral violence. Moreover, with most disputes and incidents taking place after Election Day, ineffective results management has also contributed to electoral violence during several Pilkadas.

However, positive practices exist. During the 2004 parliamentary elections, the Poso district KPUD in Central Sulawesi Sumatra was commended for its success in implementing violence free elections and despite on-going religious and ethnic tensions, the KPUD held a positive trend throughout the 2005 and 2010 local elections. Led by an active and locally respected commissioner, the KPUD responded quickly to complaints, regularly engaged with candidates, coordinated with security forces, and met with local leaders in efforts to address potential triggers that undermining the election process. The KPUD also encouraged the pairing of Muslim and Christian candidates. Moreover, at each stage of the Pilkada, developments were communicated to the media. During the 2006 Pilkada in Aceh, the KPUD, along with support from donors, created a media centre which was used as a means for mitigating electoral violence and ensuring transparent electoral processes. However, a reduced donor presence negatively affected media centre activity. With reduced funding to produce and disseminate material, the centre played a lesser role during the current Pilkada. However, on-going media engagement has been a critical element for keeping citizens updated on delays to the current local election process.

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24 [http://www.crawford.anu.edu.au/acde/ip/pdf/lpem/2011/20110906\\_ppp.pdf](http://www.crawford.anu.edu.au/acde/ip/pdf/lpem/2011/20110906_ppp.pdf)

**Complaints:** In 1999, no effective mechanisms were in place to receive and adjudicate complaints, resolve disputes or enforce criminal offences during Indonesia's first round of elections. However, local complaints bodies (Panwaslu) have since been established. These bodies function for both legislative and local elections as ad-hoc temporary bodies are largely toothless and staffed by under qualified officials. Panwaslu are limited to investigating administrative issues, particularly relating to candidate nominations (declarations of health etc.) while cases of fraud and intimidation can only be addressed directly through the police and judiciary. The EMB also has no authority to follow up on these cases. Further limiting factors exist such as a citizen's inability to lodge a complaint three days from the date of an alleged offence. This is compounded by the temporary nature of the panwaslu which are often only set up mid-way through an election process. For example, during the 2012 local elections in Aceh, Panwaslu were set up after voter registration updates had been completed. This limited the ability of the Panswaslu to adjudicate cases brought forward by persons not included on the voters list. Commentators have frequently remarked on the increase of grievance levels spurred by the late establishment of these bodies. This situation places limitations on the ability of parties, candidates and the electorate to raise complaints.

**Legal framework and administrative procedures:**

Several updated election laws govern elections in Indonesia: Law 32/2004 (as amended by Law 12/2008) governs local elections, Law 22/2007 governs election administration, Law 10/2008 governs legislative elections, Law 27/2009 governs national and regional legislatures, and Law 2/2008 governs political parties.

In 2004, Indonesia's first general elections in the Reformasi era for legislative assemblies were held at the national, provincial and regency/municipality level. An inadequate legal framework,

unclear administrative procedures, and inefficient organizational structures led to problems with the administration of elections. However, improvements were made during subsequent electoral cycles following a corruption scandal in 2005. The aforementioned series of updated laws were passed as a means of providing increased oversight to the Ministry of Home Affairs. This in turn affected the capacity and mandate of the KPU to run elections. Implementation of the election laws created inefficiencies in administrative procedures resulting in a lack of coordination and communication between levels of election implementing committees, between election committees and their Secretariats (government staff) as well as between election officials and other state bodies. As an example, instead of the KPU establishing their own voters' lists, the sub national offices have become reliant on the Ministry of Home Affairs to provide population data which often lacks quality. As such, the watering down of responsibility has increased the number of complaints received during the current local election cycle with the majority of complaints involving eligible voters missing from voter lists.

Additionally, election laws are sometimes implemented unequally. Candidate eligibility citing discrimination on the grounds of education, health and wealth are often called into question by candidates, civil society and political parties. During the current cycle of local elections, cases of electoral violence reporting alleged unfair disqualification of candidates has been reported. Moreover, in regard to complaints and appeals, a lack of clarity in the role of the Panwaslu has also led to lack of enforcement of decisions made by the election supervisory body.

## The Maldives

With a population of around 325,000, the Maldives is one of the smaller nations in the Asia Pacific region.

It consists of 20 atolls within 1,190 islands spread over 115,000 square kilometres. Approximately 200 of these islands are inhabited. A third of the population lives on Male, the capital island, and other islands host between a few hundred to as many as ten thousand citizens.

The Maldives has only recently established itself as a multi-party democratic republic. Presidential elections were held in 2008 and parliamentary elections in 2009. The first cycle of local elections administered in February 2011 were hailed by both national and international observers as a significant step towards consolidating democracy. Local elections were held for 188 island councils, 20 atoll councils and 2 city councils.<sup>25</sup> Of the 2,332 candidates who ran, a total of 1,091 were elected as members of these councils.<sup>26</sup> While the election commission's management of local elections was widely praised, instances of non-transparent processes were reported by local civil society organisations and international observers. This led to a noticeable regression in the transparency of the commission when compared to the 2008 and 2009 presidential and parliamentary elections.

The Maldives presents an interesting case study for the management of local elections. Many electoral constituencies comprise 1,000 voters or less and when compared to larger nations such as Indonesia, Bangladesh or Pakistan, best practices and shortcomings are still applicable to all contexts. While the small population does not detract from

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25 Depending on the population of an island, local councils consist of five, seven or nine members. The number of atoll councillors varies between six and ten members and depends on the number of island constituencies within the atoll

26 942 councillors were elected to 188 island councils, 132 councillors to the 20 atoll councils and 17 councillors in the Maldives two cities.

challenges faced by an emerging democracy<sup>27</sup>, it is relatively straight forward to examine the election commissions' efforts at building capacity and transparency at the local level.

### **The Election Management Body**

Similar to many countries in the Asia Pacific region, the Maldives has a nascent electoral management body. The Election Commission of the Maldives (ECM) is an independent institution with an extensive mandate outlined in the 2008 constitution, the General Election Bill and the Local Government Election Bill. The election commission is responsible for administering national and local elections, registration of voters and maintaining voter lists. It also recruits and trains election officials, produces and provides all election materials, announces results, reviews boundaries and constituency names, registers political parties and initiates civic & voter education campaigns.

The election commission has a full time staff at central level, 12 temporary Atoll election offices and 194 temporary Island offices. Prior to local elections, local election committees must be established. Each Island and atoll committee consists of three members headed by Island and Atoll Election Officers respectively. City committees consist of five members and are also headed by a City Election Officer. Out-of-country election committees responsible for expatriate voting in Colombo, Trivandrum and Kuala Lumpur also consist of three members. In addition to Island and Atoll committees, ten member polling station committees have been established. There are 398 polling or 'booth' committees in total.

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27 The February 2012 the alleged forced resignation of president Nasheed, following street protests by the supporters of the former autocratic president Abdul Gayoom, is an indicator of serious challenges in the countries democratic development.

## Decentralization and Local Elections

The Law on Decentralization and the Local Councils Act specifies responsibilities and timeframes for candidate registration, voter registration, polling, counting, results tabulation and results announcement. Additionally, the 2010 regulation governing the conduct of local elections, sets out guidelines under which atoll, island and city committees coordinate the conduct of local council elections. Local commissions are temporary but when active, they fall under the leadership of the National Election Commission with a reporting chain flowing from Island, to Atoll, to Capital. Local elections are held simultaneously in all 194 Islands and are to be held every three years as stipulated in the constitution.

In an example perhaps unique to the Maldives, the size of a municipality may affect the progression of local elections as well as their management. Not surprisingly, in some of the Maldives' less populated islands<sup>28</sup>, the multi-party democratic system has politicised local communities. According to some actors, implementing the new electoral system created fractures within former tight-knit communities confined to small islands consisting of a few square kilometres.<sup>29</sup> Such divisions have reportedly led to citizens questioning the purpose of the new councils as well as decreased support for future local elections. Some community members as well as other senior government officials have deferred to former community based decision making. In such cases, the importance of civic education cannot be overlooked. Through extensive outreach, the government of the Maldives as well as the election commission must play an important role in re-building confidence in the electoral process.

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28 Island municipalities that have electorates of between 300 and 900 citizens

29 Based on interviews on Huraa Island, November 2011

## Challenges and Best Practices

**Effective local management and communication between layers of management:** During the 2011 local elections, Island Committees faced difficulties recruiting qualified polling staff. Apathy and low remuneration discouraged individuals who had worked on previous election events. As such, island election commissions resorted to the recruitment of inexperienced polling officials who, as well as being limited in overall capacity, were ill-equipped to manage the out-of-constituency voting process.

While the practice of allowing citizens from any constituency to vote on any island (so long as pre-registered) must be lauded for its inclusivity, island officers lamented having insufficient capacity to manage the out-of-constituency count, results tabulation and results transmission. This was particularly the case in islands linked to tourist resorts where Maldivians from as many as a hundred constituencies may be based for work. Under these circumstances, a single team of inexperienced polling officials managed multiple counts and results paperwork, often taking an entire night to complete the process. Moreover, communication tools in the shape of single feeder fax machines, were inadequate for transferring large volumes of results forms to the ECM.

To address this issue, the election commission is considering adopting e-voting and counting systems. While such systems will certainly enhance the speed and efficiency of delivering results, in a country of 325,000 citizens based largely in small constituencies, this initiative on a vote by vote basis will be prohibitively expensive. Bearing this in mind, building cadres of well trained and remunerated staff on Islands holding multiple out-of-constituency voters may prove to be a more cost effective measure.

**Women's participation in local elections:** While candidate eligibility criterion is equal, only seven

percent of candidates contesting local elections were women. Despite such low levels of female participation, local council election multi-member constituencies with a first past the post system is more conducive to increasing female participation than the parliamentary system.

**Promotion of gender sensitive policies:** As with many other commissions in the region, gender balance within the ECM is not representative. While many polling officials are female, senior management positions are predominantly filled by men. At this stage, the ECM has no official gender policy nor does it intend to enact one.

**Electoral dispute resolution and electoral violence:** While a national complaints bureau exists, local mechanisms for electoral dispute resolution are almost non-existent. An Island, atoll, capital processing chain for complaints exists. However, beyond voters not appearing on the voter's list, most electoral complaints are communicated to the national complaints bureau for adjudication rather than being resolved by bodies at the local level.

Nearly all incidents of violence reported on election-day stemmed from poor administrative practices and

were linked to queuing issues, obstacles to observers, and to inaccurate voter's lists. A smaller number of administrative issues and ensuing altercations related to the poor physical layout of polling booths and insufficient numbers of ballot boxes allocated to some polling stations. Most commentators point to inadequate training for local polling officials as the main cause of complaints and incidents of violence. Moreover, the centralised nature of decision making led to delays in election-day decisions. This provoked incidents that further inflamed local level tensions.

During the 2008 and 2009 national elections, the Maldivian EMB invited civil society organizations, political party representatives, human rights commissioners, and police officials to sit on its National Advisory Committee for Elections. These stakeholders assumed committee member positions for several months prior to and after the election date. This inaugurated a forum to raise concerns and played an influential role for dispute avoidance. In contrast, during the 2011 local elections, the EMB established its advisory committee just three days prior to election-day. While the elections were administratively and technically improved, the EMB wasted an opportunity to build trust with stakeholders and avoid violent incidents on election-day.



## Nepal

The future federal structure of Nepal is intended to be agreed upon when voting for a second Constituent Assembly occurs. While the time frame for this as of December 2012 is still unclear, Nepal has an exceptional opportunity to define an electoral system and management structure which will benefit from regional experiences adapted to the local environment.

Nepal is divided into 75 districts, 58 municipalities and 3915 villages. Prior to 2002, village, district and municipal council members were selected through direct elections supervised by the Election Commission's district offices. In 2002, the terms of office expired and no direct election at the local level has been held since. As a substitute to directly elected local bodies, in September 2006, political parties agreed to form interim local bodies at the district, municipality and village level in order to allow the release of development funds. This arrangement was included in the 2007 Interim Constitution. However, due to a lack of consensus, the bodies were not formed and local ad hoc arrangements have prevailed. At present, interim ad-hoc local bodies elected through ad-hoc elections have replaced formally elected local councils.

The on-going debate over constitutional arrangements means a significant uncertainty regarding most aspects of future local election processes exists. This includes the federal state structure, offices to be elected, the electoral system, the timing of elections and responsibility for the voter registry and list. The election commission is therefore currently operating in a difficult context.

### The Election Management Body

The Election Commission of Nepal (ECN) is a governmental body currently responsible for managing local and national elections. Since 1990, the commission

has run four general elections and two local elections (1992 and 1997). Following the signing of the Comprehensive Peace Agreement in 2005, the ending of the armed conflict and the adoption of the Interim Constitution, the ECN continues to be empowered. Despite local elections never actually being held, the ECN still conducts, supervises, directs and controls elections to local bodies at the village, town and district levels. Also, the ECN is currently engaged with preparing voter's lists for local elections.

Two key commission positions exist at the local level: the District Election Officer (DEO), who is the commission appointee in charge of overall preparations and the returning officer, who oversees polling and counting in each constituency. In districts with multiple constituencies, a chief returning officer is appointed. The chief returning officer acts as returning officer in a constituency but also coordinates returning officers in other constituencies. Returning officers are drawn from the judiciary (although in past local elections, chief district officers have filled the role). Each polling centre will have a polling officer and as many assistants as necessary, drawn from the civil service or state corporations. DEOs are currently overseeing a biometric voter registration operation forming the basis of much of the ECN's local level activity since early 2010.

### Decentralization and Local Elections

With the promulgation of the new Constitution, Nepal's peace process will reach its formal conclusion. This will effectively transform Nepal into a federal state and will fundamentally change the way the diversity of Nepal's population is reflected in law and governance. As such, decisions on decentralized or devolved powers granted to local bodies require finalising. This includes the body responsible for administering local elections, delineating boundaries, undertaking voter registration updates, updating the voters roll, administering complaints bodies,

engaging in civic education and setting electoral calendars. As of December 2011, the constituent assembly provisionally decided on a mixed electoral system. The system incorporates a combination of direct first past the post, single round elections and proportional representation at the national, provincial and local levels. With no decision on a federal structure, the impact of this decision on local election management is unknown.

## Challenges and Best Practices

**Effective local management:** For the 2011 voter registration process at the district level, voter registration was composed of: a multi-level, multi-media voter education campaign; a door-to-door campaign to identify, inform, and document individuals who were eligible to register; and on-site registration at more than 8,000 voter registration places at which eligible individuals were physically registered. At the same time, continuous voter registration occurred at District Election Offices to accommodate individuals who had missed voter registration their location of permanent residence.

**Communication between layers of election management:** The voter registration process program wholly utilised the ECNs local structures and called for effective communication between the field and centre. While the ECN stopped short of establishing a fully-fledged field operations department, procedural, legal and operational updates were regularly communicated to and received by district offices. Likewise, a system for sending weekly registration updates from the DEOs to the ECN HQ was established. Moreover, on several occasions, all 75 DEOs visited Kathmandu for training and workshops.

**Staff capacity and institutional strengthening:** As experienced ECN staff often rotate on to other government agencies, the commission is considering

developing its institutional memory based on experiences of running previous elections. The issue of staff rotation is most pertinent at the district level, where the DEO is often the only representative with election experience. During the recent voter registration program, fifteen qualified district election officers were moved to other ministries and replaced by civil servants with no election management experience. This limited the commission's capacity to administer any future national or local registration of election related events. Positively, the ECN is considering developing hand-over and archiving modalities. However, the creation of permanent ECN positions is a strategy to be developed in cooperation with the Government of Nepal.

**Promotion of gender sensitive policies:** A decrease in women's representation within all levels of the ECN was noted between 2009 and 2011. In early 2012, only 109 of 583 ECN staff were female. Of these 109 women, only 16 work at the central ECN level. The ratio of female to male officers is also low with a current standing of two out of twenty-seven officers. Moreover, only one of the seventy five DEOs is female. Some specific efforts, such as developing a concept for gender inclusion, are being made to enhance female participation. In 2010, the ECN published a report entitled, "*Gender mapping in the field of elections*" which identified gender gaps in electoral processes and suggested recommendations for addressing gender disparities. While these efforts have made varying degrees of progress, achievements have been more limited at the local level. Some targets have been set to increase women staff levels. However, no separate unit has been established to focus on gender issues and no mechanism has been instituted to track gains for increasing employment among women.

**Electoral violence:** Examples of electoral violence in Nepal include Mahsessi and Limbuwan party altercations with registration staff, destruction

of registration equipment and obstructions to registration processes. However, local ECN offices as well as high level dialogues helped engage successful outreach efforts to end electoral obstructions. A parallel approach involved local offices engaging in dialogue with political parties. Also, central ECN lobbying with party leaders was a positive initiative which allowed for early 2012 re-commencement of voter registration in formerly obstructed districts.

## Pakistan

Since the first Constitution of Pakistan was adopted in 1956, the country has faced a myriad of challenges in regards to managing national and local elections. Successive military governments either suspended the constitution or rigged national, provincial and local polls to ensure regime survival. The military government also suppressed or colluded with the Election Commission of Pakistan (ECP). Local elections have been held on an intermittent basis, enacted by military regimes to devolve power from the centre. They have been curtailed by civilian governments wishing to ensure longevity by retaining power and resources at the national level. State, tribal and sectarian violence marred electoral processes. Women either failed to vote or were prevented

from voting. Legal provisions in support of elections became increasingly complicated and general public trust in electoral processes collapsed. In the face of such challenges, tools retained by the ECP ensuring the conduct of transparent, inclusive and non-violent local election processes have been blunted.

Local government is the third tier of government in Pakistan after the Federal and Provincial Government respectively. Three types of administrative units of local government exist in Pakistan: District Government Administration, Town Municipal Administrations and Union Council Administrations. Union council administrations are essentially village councils though may be labelled town councils in urban areas. Union councils are the only directly elected bodies at the local level. District Government Administration and Town Municipal Administrations are indirectly elected from the Electoral College.

### The Election Management Body

The Election Commission of Pakistan (ECP) is a centralised, independent, election management body. In addition to the Secretariat in Islamabad, the ECP has 4 Provincial Election Commissioners' Offices, 26 Deputy Election Commissioners' Offices



(at divisional level) and 124 Assistant Election Commissioners' Offices (at district level). All are permanent structures responsible for overseeing national and local elections. The ECP and its subsidiary offices are responsible for delivering multiple outputs including: voter registration and the updating of voters rolls; election operations; complaints and dispute resolution; training; public outreach; voter education; and ensuring the inclusion of marginalised groups. The ECP has 1,800 permanent personnel working out of 155 offices. For elections to provincial legislatures and unions councils, the ECP appoints a district returning officer for each district and a returning officer for each constituency within a district. The returning officer is assisted by an assistant returning officer. These non-permanent staff number approximately 1,200. In addition to the 1,200 officials, 70,000 temporary presiding officers and some 500,000 temporary poll workers are recruited for election events. Therefore, the scale of each election operation is massive.

## Decentralization and Local Elections

Although Pakistan has undergone several waves of decentralization<sup>30</sup>, the devolution plan introduced by President Musharraf's government in 2000 represents the most comprehensive initiative to date. Analysis of political motives for decentralization under a military regime are beyond the scope of this paper however postponement of the 2009

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30 Between 1947 and 1958 local governments in Pakistan operated under administrative decentralization. Two subsequent attempts to devolve power in Pakistan were made, but neither survived the regime that promulgated the reforms. In each case, it was a military regime that introduced decentralization reforms (the Basic Democracies Order in 1959 under Ayub Khan and the 1979 Local Government Ordinance of General Zia ul Haq) that were subsequently dismantled by elected civilian regimes. The most recent decentralization policy was once again initiated by a military regime. Current decentralization initiatives are the first under a civilian government.

local election process is a hallmark of former civilian governments. Positively, the current civilian government of Pakistan is seeking to enhance local governance and electoral system reforms.

Union Council elections are scheduled to be held every four years and are overseen by the Election Commission of Pakistan. The 2005 Local Elections were held in three phases. Phase-I took place on August 18 and included direct elections for 3074 Union Councils in 53 districts. Phase-II occurred on August 25 and included direct elections for 2974 Union Councils in the next 56 districts. Phase- III included indirect elections for district government and municipal administrations. Phase-III was scheduled for September but was subsequently postponed to October 2005. Local elections were not held in 2009 and at the current juncture, the ECP, being the designated body for running these elections, faces multiple challenges within the management of future local elections.

## Challenges and best practices

**Effective local management:** Under new legal provisions, provincial election commissions may become increasingly decentralised. Given the expiry of the 2001 local government ordinances, provincial governments are revising Local Government Acts and are free to determine the governing model for future local elections. As of June 2012, only Baluchistan and Khyber Pakhtunkhwa have passed local government bills. However, all four provincial assemblies are in the process of considering acts that may shift the responsibility for conducting local elections away from the ECP to provincial electoral authorities who report directly to the provincial government. Implementation hurdles may ensue if each province adopts varying local government legislations such as election administration, voter roll updates, and electoral procedures.

As pointed out during a 2009 IFES study of the local government electoral system, 'The potential establishment of four new Provincial Election Management Bodies is a massive operational and financial task.'<sup>31</sup> Such warnings were echoed by the Election Commission itself. For example, during a Democratic Reporting International seminar, the commission stated, 'A minimum level of operational uniformity could make the administration of elections easier and thereby ensure higher quality and more credible elections... Major differences in electoral management procedures amongst the four provinces would create a burden on the election management body, both in terms of cost and administration.'<sup>32</sup>

As of late 2011, the 2001 local governance ordinances still prevail in three of Pakistan's four provinces. Baluchistan's provisional act was submitted to the ECN though subsequently returned to the provincial assembly for revision. While the provisional act alters the number of members elected to all three local councils, it does not reform the administrative structure of election management nor calls for the creation of a separate management body. In all four provinces, when the new acts are promulgated, provincial assemblies will request the ECP to conduct local elections. Such a request must be made within 30 days of the promulgation of each act after which the election commission will have between 90 and 120 days to implement the election. Therefore, while electoral management procedures are likely to remain the same, it is quite likely local elections across each of Pakistan's four provinces will run at different cycles. Furthermore, due to the high number of union council elections and similar to the 2001 and 2005 processes, these elections are to be

31 IFES Pakistan 'Local Government Electoral System in Pakistan' June 2009

32 ECP Joint Secretary Syed Sher Afghan speaking at the All Provinces Forum, August 2010

held on a staggered schedule. In terms of timing and resources, local elections will place a great burden on the ECP, especially as it prepares for very important national elections.

**Communication between layers of election management:**

The ECP maintains 26 divisional and 124 district offices, many of which are insufficiently equipped presenting a challenge to communication between layers of election management. Ill-equipped offices will affect result, complaint and general communication. In fact, during field level research for this paper, local ECP officials lamented a lack of reporting tools, standardised reporting structures and 'field operation' awareness. Communication with district offices is ad-hoc and frequently based on personal rather than professional reporting structures. Poor communication strategies will directly affect the quality of electoral management at the local level.

**Staff capacity and institutional strengthening:**

In addition to highlighting the impartiality of some poll workers, past election observation missions have identified training of poll workers as a shortcoming of recent electoral processes. Tellingly, the commonwealth expert team report on the 2005 local elections stated, 'Training sessions observed bore little resemblance to the written materials provided, and left a great deal to be desired'<sup>33</sup>. While many of the commissions 1,800 permanent staff have received training at the National School of Management, specialised courses in election administration have not been delivered. Moreover, district and constituency returning officers, as well as poll workers, are temporary recruits who are often drawn from existing branches of government. Many will serve for the first time and will require training. Additionally, a program of cascade training will need to reach at least

33 Pakistan Local Bodies Elections 18 and 25 August 2005, Report of the Commonwealth Expert Team

70,000 presiding officers, preferably some 500,000 poll workers as well. Given the short fallings of the 2005 process, the importance and challenges of cascade training must not be overlooked.

A newly-revived Federal Election Academy may lead to better in-service training for ECP officials, both permanent and temporary. Nonetheless, there is a requirement for continuing career training for ECP officials at the local level. While some of this may be met through a combination of BRIDGE and other efforts, a shift in focus to building institutional capacity at the local level is required.

**Women's participation in local elections:** Overall turnout during past local elections was low, hovering around the 45 percent mark.<sup>34</sup> A turnout target of 64 percent was set in the ECP's strategic plan but to reach this, the commission will have to undertake extensive outreach. The commission will also have to commit considerable time and effort towards engaging and enabling women to vote. According to the commission's 2005 figures, 36 percent of registered female voters cast ballots during the 2005 union council elections compared to a 57 percent turnout for men.

A tense security environment may affect the ability of the ECP to enhance women's representation and participation. The commission's five year strategic plan aimed to complete a study into the engagement of female enumerators with an intention of appointing women enumerators to better serve the female population by December 2010. However, no progress was made and in May 2011, a taskforce for the revision of electoral roles decided not to engage female enumerators due to heightened elements of risk. This may lead to eligible women not being registered and

diminish the ability of the ECN to reach its goal of increased women's representation and participation.

Regarding women's participation as candidates, the 2001 devolution of power plan allowed for 33 percent representation of women in all three tiers of local government. During the 2001 local election process, a portion of reserved seats remained uncontested and unfilled. This was somewhat rectified in 2005 when local civil society organisations played a significant role by engaging outreach to women, encouraging higher female participation, and pursuing a 98 percent occupancy rate.

**Electoral dispute resolution and electoral violence:** Pakistan conducts a near invisible complaints process which, according to observers of the 2005 local elections, was poorly understood by local staff, 'who were either unable or unwilling to resolve complaints due to a lack of training or initiative.' The election commission itself recognised, 'a need for serious attention to complaints processes'. Hence, standardised complaint forms were adopted with support from international agencies and utilised by the Election Commission of Pakistan for the 2008 parliamentary elections. Training was conducted not only for election officials but also traditional community leaders and political party representatives. A radio public service announcement campaign was also carried out nationwide to improve public understanding of the election complaint process.

## Timor-Leste

With approximately 645,642 registered voters<sup>36</sup>, managing any *national* election event in Timor-Leste could be considered equivalent to or smaller than

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34 40 percent in 2001 and 47 percent in 2005

35 Women may also contest seats beyond the reserved total.

36 [www.electionguide.org](http://www.electionguide.org)

managing a *local* election event in a number of countries including Pakistan, Indonesia, Bangladesh or even Afghanistan. The average number of persons registered in each of Timor-Leste's 442 Sucos (villages) is 1,350 and the average number of registered persons in each of the country's 13 municipalities, which pending the approval of decentralization laws continue to be termed districts, is 45,000.

The scale of both National and local elections in the Maldives and Timor-Leste does not detract from the issues faced by their respective electoral commissions in administering elections. Addressing electoral violence, encouraging female participation, engaging in public information campaigns, and coordinating between varying levels and bodies of electoral management continue to pose significant challenges.

### **The Election Management Bodies**

Timor-Leste's election management system has evolved gradually since the country's 2001 and 2002 transitional elections administered by over 400 UN election officers working closely with East Timorese counterparts. The electoral management system in Timor-Leste is a mixed model where two EMBs exist; a policy, monitoring or supervisory EMB (Comissão Nacional de Eleições do Timor-Leste, CNE) independent of the executive branch of government and an implementation EMB located within the ministry of State, Administration and Territorial Management (The Technical Secretariat for Election Administration, STAE). STAE was originally the country's sole election management body responsible for implementing elections but in 2004, the Comissão Nacional de Eleições do Timor-Leste (CNE) was created to oversee the first round of Suco elections. The CNE's term ran out in 2006 and in 2007 and in the context of the General Election, Timor-Leste established a second structure of CNE

with a mandate of six years (2007-2013). Both EMBs continue to be supported by a large number of international technical experts.

STAE has a permanent staff of 22 individuals based in the capital and an office in each of the country's 13 districts. STAE is an operational body tasked with the management of voter registration and education. They are entrusted with the formulation of election rules and procedures, ballot design and production, the identification of polling centres, hiring and training polling officials, the deployment of electoral materials, the facilitation of voting, and preliminary results tabulation.

The CNE is an independent body also based in the capital consisting of fifteen permanent commissioners serving a maximum of two six year appointments. CNE has permanent district presence through thirteen district focal points which are expanded during election periods. The CNE is essentially a supervisory body overseeing all phases of the electoral process implemented by STAE. Its principal roles are to ensure constitutional and legal provisions relating to the elections are enforced, regulation and monitoring of political parties' budgets, support access to civic education, approve election rules and procedures as well as codes of conduct, and handle electoral complaints by ensuring the public prosecutor is aware of offences. Following results tabulation by STAE, it also prepares provisional national results for submission to the court of appeal.

### **Decentralization and Local Elections**

The Government of Timor-Leste began developing a framework for decentralization and local government in 2004 which included planning for Suco (village) and municipal (district) elections. Since the promulgation of the Suco Election Law in mid-2004, two cycles of Suco Council elections

have been held. Administered by the STAE in 2004/2005, elections were held in 442 Suco's across the country. Ten councillors were elected in each Suco as well as hamlet chiefs *Chefe de Aldeia* (the number change from Suco to Suco). The first cycle was phased and took one year to complete. These were the first elections organized after the 2002 restoration of independence. The STAE team moved district by district, slowly rolling out the electoral process Suco by Suco. The process was also monitored by the first CNE. In contrast, the 2009 Suco elections were administered by STAE and supervised by the CNE but took place simultaneously in 13 districts and 442 Sucos on the same day. Prior to the 2009 elections, the Suco election law was altered, prohibiting political parties from fielding candidates. As of October 2012, only one out of three laws from the decentralization package had been approved namely the law on Territorial division. The other two laws (including the municipal electoral law) are yet to be approved. Hence, it is unclear if the Sucos will actually have representation in local government.

While municipal elections have yet to take place, a three phased roll out approach is envisaged. A

pilot phase will target four municipalities and the subsequent two phases will target the remaining nine municipalities. Municipal elections were initially scheduled to take place in mid-2009 but have since been postponed four times. Further delays have now pushed planning for municipal elections into 2013 or 2014. Municipal elections will definitely not occur until after the next round of national elections scheduled for mid-2012.

Such set-backs are directly linked to the non-promulgation of Municipal Elections Law which is also inherently linked to the draft laws on local government. While political will for decentralization exists, debate over the draft law and allocation of powers has elongated the implementation process. Draft laws give nominal powers to local government and include the option for central government review of any decisions made by locally elected legislative (municipal) assemblies. In early 2009, a parliament dominated by individuals wishing to retain power at the centre sought to host a one-day public consultation on a complicated eighty-four paged legal text. However, regulations on the proposed purpose and functions of local governments were unclear so the ruling coalition decided to allow more



time for deliberation of the draft laws. As such, an initial series of public consultations commenced in May 2009. While enhancing citizens' involvement in local decision-making processes through the implementation of local elections and establishment of local municipal government is accepted, the political will to push the process forward is convoluted. In view of the on-going debate over the type of local government, the national parliament has sought more time by delaying the municipal elections until 2015.

## Challenges and Best Practices

**Effective local management and communication between layers of election management:** Absence of a defined municipal election law directly affects the ability of EMBs, whether STAE or the CNE, to plan for local municipal elections.

CNE and STAE strategic planning encompass all election events with preparations currently extending to 2030. While not specific to local elections, the CNE and STAE are looking ahead to future election cycles and identifying areas such as legal frameworks and management strategies that require additional resources, budget expansion and capacity strengthening. However, any new municipal government structures during election periods will certainly contribute to STAE field operations requiring additional capacity strengthening.

**Women's participation in local elections:** Political parties are obliged to include at least one woman in every group of four parliamentary candidates. In the 2012 National Parliament election women gained 38.46 percent of the 65 seats in the National parliament compared to 29 percent in 2007. However, high level women's participation in national level politics is not reflected at local levels.

Participation in the 2004/2005 Suco election process was low. Only seven of sixty six women who ran for 442 posts of Suco chief won the seat (1.6% of Suco chief posts) and only twenty seven of the 2,228 who ran for Aldeia (sub-village chief) were successful in their bid.<sup>37</sup> During the 2009 Suco elections, female participation almost doubled and just over a quarter of all elected officials were women. However, only ten women were successfully elected to the position of Suco Chief comprising 2% of Suco Chief's in Timor-Leste. This was a fractional improvement on the 2004/2005 results.

Commentators highlighted a lack of training for candidates and limited civic education as key reasons for low female participation. While three seats were guaranteed for women during the 2004/2005 Suco elections, the 2009 introduction of a packet law<sup>38</sup> reaffirmed temporary special measures seeking to further strengthen women's ability to occupy Suco and Aldeia leadership positions. However, the new law was introduced just before the 2009 elections and the minimal time-frame between the guarantee of the packet law and the elections was seen by some actors as a contributing factor to continued low levels of female representation.<sup>39</sup>

**Electoral dispute resolution and electoral violence:** Since independence in May 2002, Timor-Leste has held four national and two community elections. Throughout this period the

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37 ipsnews.net – Matt Crook, East Timor: Politics, Women Take the Plunge.

38 The 'package system' law allowed voting for grouped councils, rather than individuals, with a blanket ban on candidates representing political parties standing for election.

39 Vice President of National Parliament Deputada Paixão speaking on the topic of securing women's participation in the future municipal elections, January 15th 2010.

incidence and severity of election violence has varied considerably. Outside the 1999 referendum on independence, the most significant electoral violence was experienced during the parliamentary elections campaign period between May and August 2007. The 2004/2005 Suco election process was deemed to have passed without significant intimidation or violence. The phased approach<sup>40</sup> to delivering elections may have contributed to lower levels of violence. However, this contrasts with the 2009 Suco elections which were held concurrently on one day and also passed without significant levels of electoral violence.

While the Suco elections processes in 2004/2005 and 2009 passed with little evidence of intimidation or violence, this should not be taken as a bench mark for when future community or local elections take place at the Municipality level. Suco Councils have no legislative role and elected individuals are not part of any formal government structure. Instead, Suco Councils are an extension and formalisation of pre-existing leadership structures charged with overseeing local administration. This framework effectively reduces levels of competition. In addition, the 2009 exclusion of political parties from Suco elections led to a more benign process. Municipal elections will most likely involve higher stakes and a greater degree of competition. Successful municipal election candidates will be given access to government positions and control over state resources. With political parties returning to the fore, the types of campaigns fought will be very different to those at the Suco level. This

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40 As the 2004/5 polling process was phased and drawn out over the period of one year, it lacked the systematic monitoring of international and national groups. Given the inclusion of politically aligned candidates, this could signify that while intimidation or violence may have occurred, it went unobserved.

presents a significant challenge to EMBs to ensure civic education encourages peaceful agendas and prevents intimidation. If the proposed phased approach to municipal elections is adopted, it will also be important to establish systematic monitoring mechanisms with national or international observation bodies if necessary. The EMBs will also need to regulate political party finance in local campaigns.

Positive measures include the proposal to undertake phased municipal elections. Additionally, district level tabulation and reporting of results will protect the identity of voters in small communities. Moreover, the production of complaints legislation to deal with electoral disputes and the creation of codes of conduct for political parties, observers and media are positive steps towards maintaining a peaceful agenda. However, enforcing codes of conduct remains a challenge and further measures such as comprehensive, routine, standardized monitoring of all election phases, including voter registration, campaigning, balloting and results tabulation must be encouraged.

**Transparency:** The government of Timor-Leste will need to undertake broad civic education and voter information campaigns in order to raise citizen awareness regarding local election processes including realisation of rights and responsibilities in the context of municipal elections. Hosting consultations on the decentralization process involving current Suco Council members are positive steps. However, in order to encourage greater female participation in local government, outreach will also require a gender component. Engagement with civil society must also be encouraged to educate citizens on the value and importance of municipal elections processes and to lessen the impact of political provocation.

# Annex 1: Local Elections Matrix

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
Afghanistan	<b>Independent Election Commission of Afghanistan</b> Centralised Independent EMB with 8 permanent regional and 34 permanent provincial election offices.	National and Local elections	<b>34 Permanent provincial EMBs</b> managed by a provincial election officer and a limited secretariat. 398 Temporary district field coordinators hired to manage electoral processes at the local level. DFCs are responsible for recruiting and training deputy district field coordinators who in turn, recruit polling staff as well Voter registration updates are carried out by district field coordinators.	<b>Multiple staggered elections</b> <b>Tier I, District and village assemblies</b> – direct elections to be held every three years – these are likely to be staggered. No constitutionally obliged elections held to date <b>Tier II, Provincial councils</b> – directly elected every four years – held simultaneously in all 34 provinces and administered by the provincial commission. <b>Mayors</b> – direct elections to be held every three years – these are likely to be staggered.	Provincial council elections are the lowest tier of elections held to date. Most recent elections were in 2005 and 2010. As a result of boundary disputes and resultant delineation issues, District Council elections have been repeatedly postponed.	The 2004 and 2005 electoral complaints process was internationally led, slow and failed to address most complaints raised at the local level. 2009 and 2010 saw the introduction of a new complaints commission, with local representatives, reporting thorough structured channels
Pakistan	<b>The Election Commission of Pakistan</b> Centralised Independent EMB with 4	National, Regional and Local elections The recent 18 <sup>th</sup>	<b>4 Provincial EMBs</b> – permanent bodies <b>26 Divisional EMBs</b> – Permanent bodies Headed by	<b>Multiple staggered elections</b> Under the most recent system only union councils were directly elected. Direct elections	2001 – Union Council elections held under President Musharraf's new local governance ordinance. 2005 – Union Council	Following the 18 <sup>th</sup> amendment to the constitution, local governance ordinances are currently under review with provinces

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
	<p>provincial commissions<sup>39</sup>, 26 divisional and 124 district election offices – all permanent bodies</p> <p>Under new provisions provincial commissions may become increasingly decentralised</p>	<p>amendment to the constitution provides authority to the Election Commission of Pakistan to hold elections to local government institutions.</p>	<p>deputy election commissioners</p> <p><b>124 District EMBs</b> – Permanent bodies</p> <p>Headed by district election officers</p>	<p>to all tiers of local government would enhance democratic accountability.</p> <p><b>Tier I, Union Councils</b> – directly elected in 6,127 wards/villages every four years. Administered by the district election office.</p> <p><b>Tier II, Tehsil (town/city) councils</b> – indirectly elected from union councils in 358 tehsils every four years.</p> <p><b>Tier III, District Councils</b> – indirectly elected from the electoral college every four years in 110 districts.</p>	<p>elections last held</p> <p>The local governance system is currently under review and reform by the four provincial governments is likely to lead to substantive changes in the future.</p>	<p>preparing new legislation for local government elections.</p> <p>The management of local elections could be devolved to the provincial level; given resource and capacity limitations at the sub-national level, management of elections is likely to remain centralised.</p> <p>Local elections acts are currently incomplete for four of five provinces, therefore hindering implementation of local elections.</p> <p>A national level five year strategic plan has been produced by the ECP. This is a positive step toward enhancing election management, however, it does not extend to local level election management</p>

41 Following the 19th amendment local governance ordinances are currently under review with provinces preparing new legislation for local government elections. The management of local elections could be devolved to the provincial level; given resource and capacity limitations at the sub-national level, management of elections is likely to remain centralised.

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
Nepal	<b>The Election Commission of Nepal</b> Centralised Independent EMB with 72 permanent district election offices – all permanent bodies	National and Local elections	<b>75 district election offices</b> , staffed by civil servants – permanent Temporary returning officers oversee polling and counting in each of Nepal's 240 constituencies Temporary presiding and polling officials to oversee polling at 3913 VDCs. Such officials may be enacted to undertake other election related activities such as voter registration	<b>Multiple staggered elections</b> <b>Tier I – 3915 village and municipal councils</b> Directly elected every five years. Administered by the Election Commission <b>Tier II – District Councils</b> Indirectly elected every five years	Local elections were last held in 1992 and 1997 The Election Commission continues to be empowered to conduct elections to local bodies at the village, town and district levels though since 2002 interim local bodies have replaced the elected Village, District and Municipality Development Councils.	In the context of decentralization and restructuring the state towards a federal republic it is highly likely that systems for electing local bodies will be changed.
Bangladesh	<b>Bangladesh Election Commission</b> Centralised Independent EMB with 9 division offices, and 83 district election offices – all permanent bodies	National and Local Elections	<b>9 Divisional Election Offices</b> Permanent bodies Headed by deputy election commissioners <b>83 District Election Offices</b> Permanent bodies headed by district election officers	<b>Multiple staggered elections</b> <b>Tier I – 68,000 villages/Wards</b> No direct elections <b>Tier II – 4,498 Union Parishads</b> Staggered direct elections every five years	After a twenty year gap, direct elections for Upazila (sub-district administrations) held in January 2009. Staggered Union Council (Parishad) elections held in May and July 2011.	Codes of conduct for candidates were introduced during the recent Upazila elections. While being a positive step, they did, however, remain largely voluntary and unenforced. Candidates were banned from running under political banners though most did.

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
Maldives	<b>The Election Commission of the Maldives</b> Centralised Independent EMB with 12 temporary Atoll and 190 temporary island election offices	National and Local Elections	<b>12 Atoll Election Offices</b> Temporary bodies <b>194 Island Election Offices</b> Temporary bodies	<b>Tier III – 481 Upazila (sub district elections)</b> Simultaneous elections every five years <b>Tier IV – 64 Zilas (district)</b> No direct or indirect elections held <b>Tier V – 6 City Cooperations.</b> Direct elections held every five years	First-ever Local Elections held on 5 May 2011. They concluded the first electoral cycle of multi-party elections since the introduction of a multi-party system.	New biometric voter registration system has led to improved suffrage and decreased election day fraud  Improvements in the voter register vastly reduced the number of complaints submitted by the National Elections Complaints Bureau Effective field operations and planning led to well administered elections. If local and national elections coincide in the future, the ECM will however face implementation challenges
Indonesia	<b>The General Election Commission (KPU)</b>	National and Regional Elections (Provincial and District)	<b>33 provincial commissions</b> Permanent bodies	<b>Multiple staggered elections</b> <b>Tier I – 70,000+ village boards (desas)</b>	1999 and 2004 and 2009 provincial elections Cycle 1 – 2005 to 2008: direct local (district	Law No.32/2004 heralded a significant and sudden decentralization of election management. It authorised local

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
	One Independent Central General Election Commission	<i>Administrative village elections are not administered by the KPU</i>	<p><b>340 Kabupaten (district) commissions</b> Permanent bodies</p> <p><b>70,000+ desa (village) committees</b> Temporary independent bodies governed by the Law on Village Governance</p>	<p>staggered elections held every six years – falling outside the EMBs responsibility and managed by villagers</p> <p><b>Tier II – 5,000 Kecamatan (Sub districts)</b> no direct elections held – executive appointments made by heads of provinces (regents)</p> <p><b>Tier III – 240 Kabupaten (Districts) and 100 kota (cities)</b> staggered direct elections held every five years – managed by the decentralised district/city KPUs</p> <p><b>Tier IV – 33 Propinsi (Provinces)</b> synchronised direct elections held every five years</p>	<p>elections held. Local commissions took 3 years to complete 340 separate elections</p> <p>Cycle 2 – 2010 to date: direct local (district elections) 290 of 340 completed to date (12/2011)</p>	<p>elections and gave regional administrations responsibility for financing local elections. It also allowed local councils to regulate district EMBs.</p>
Timor Leste	<b>The National Electoral Commission (NEC)</b> a centralised independent body created in 2005 to supervise STAE administered elections	National and Local Elections	<p>NEC maintains a focal point in each of Timor-Leste's 13 districts</p> <p>STAE maintains a permanent office in each of Timor-Leste's 13 districts</p>	<p><b>Multiple Staggered Elections</b></p> <p><b>Tier I – Suco (Village) Councils</b>–staggered direct elections held every five years.</p> <p><b>Tier II – District (Municipal) Councils</b> – to be directly elected every five years.</p>	<p>The first round of staggered local elections for Suco Councils was held during 2004/5 with a second simultaneous cycle held in 2009.</p> <p>Municipal elections have however been postponed since their initial scheduling in 2009</p>	<p>The impact of revisions of the election law allowing the CNE to investigate administrative violations and referring criminal violations to the court of appeal is yet to be seen – however – to date, citizen awareness of new complaints procedures remains low.</p>

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
	<p><b>Technical Support Secretariat for Electoral Administration (STAE)</b></p> <p>within the Ministry of State Administration administers elections</p> <p>Centralised EMB with</p>				with municipal election law requiring defining and timings established.	
Cambodia	<p><b>National Election Committee (NEC)</b></p> <p>Centralised EMB with temporary local secretariats</p>	National and Local Elections	Temporary Provincial and Commune Election Committees	<p><b>Synchronised local elections</b></p> <p><b>Tier I – Commune Councils</b></p> <p>Direct elections held simultaneously every five years</p>	<p>February 2002 – Commune Council elections. The first local elections held in Cambodia since the late 1950s had been delayed for nearly ten years following the UNTAC overseen national parliamentary elections in 1993. A large degree of intimidation and electoral violence was reported</p> <p>April 2007 – Commune Council Elections – lower levels of electoral violence reported</p> <p>April 2012 – Third round of commune council elections scheduled.</p>	

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
Thailand	<b>Election Commission of Thailand (ECT)</b> Centralised independent EMB with 75 permanent provincial offices	National and Local Elections	<b>75 provincial Election Commissions</b> Permanent Bodies	<b>Multiple Staggered Elections</b> <b>Tier I – 6,000 Tambon Administrative Organisations (Sub-district councils and executive bodies)</b> – Direct elections held every four years <b>1,600 Municipal Bodies (Metropolitan, City and Town Councils and executive heads)</b> – Direct elections held every four years <b>Tier II – 75 Provincial Administrative Organisations (Provincial Councils and executive heads)</b> – Direct elections held every four years Two special forms of local Authority also exist – <b>The Bangkok Metropolitan Administration</b> and <b>Pattaya City Authority</b> – direct elections for which are held every four years	2003 – Tambon elections 2007 – Tambon Elections	In an attempt to reduce fraud, the Election Commission of Thailand assumed responsibility for running local polls, replacing the MOI. In the build-up to the 2007 elections, the Reconciliation Election project – run by the ECT and targeting candidates, the public, EMB staff and community leaders – aimed to prevent electoral violence at the local level, particularly during Tambon elections. This was essentially a broad civic education exercise aiming to raise public knowledge on electoral laws, rules and regulations, as well as highlighting the principles of democratic competition and social responsibility.
Papua New Guinea	The Electoral Commission of Papua New Guinea	National and some Local Elections		<b>Multiple, Staggered Elections using mixed systems</b>	The last local level government elections were held between April and August 2008.	The head of a LLG may be indirectly elected by LLG members, or if given special permission by the

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
	Centralised EMB			6,129 direct ward elections to select a single ward member, held every five years. 40 urban local-level-governments (LLGs) and 275 rural local-level-governments each consisting of 19 members. Elections for LLG 'presidents' are held every five years. Some provinces use direct and others indirect elections. 20 provincial assemblies, directly elected	Some were marred by violence and allegations of fraud and subsequent b-elections have been held. The next round of local elections is scheduled for 2013.	head of state, directly by the local electorate. Of 19 non-capital provinces only eleven provinces held direct elections. The remaining 8 provinces held indirect elections and used a system whereby the elected ward members chose heads of LLGs and provincial presidents Lobbying for Council Presidents in the 8 provinces holding indirect elections resulted in violence
Bhutan	The Election Commission of Bhutan Centralised EMB	National and Local Elections	20 permanent 'Dzongdag' (district) election commissions	205 Gewog Tshogde (Block Committees) Directly elected 20 Dzongdag Tshogdu (District Committees) – Directly elected Thromde Tshogde (municipal committee) – Directly elected	The implementation of local elections was delayed for two years, however, the first local government elections were held in 2011. Local elections have been phased and municipal elections (Thromde Tshogdes) were held in Bhutans' four largest towns, in January 2011. Elections for Gewog Tshogde and Thromde Tshogde were subsequently held in July 2011.	The elections were postponed to allow parliament sufficient time to pass electoral laws, as well as to permit a greater number of candidates to stand in local elections. Despite this, some local government seats remain unfulfilled.

Country	Type of EMB: (Decentralised, or Centralised)	EMB Responsible for?	Local EMBs	Local Administrative Tiers and Elected Bodies	Recent Local Elections	Challenges, Impacts of Election Reform and Best Practices
India	The Election Commission of India Decentralised Independent EMB with considerable powers over other government institutions during election periods	The State Election Commission is responsible for local council and municipal elections	At the district and constituency levels, District Election Officers, Electoral Registration Officers and Returning Officers, who are assisted by a large number of junior staff during election periods, perform election duties. While permanent cadres exist most officials are seconded from existing civil service departments.	<b>Multiple staggered elections using mixed systems</b> <b>255,000 Gam Panchayat Councils</b> <b>6350 Samitis Panchayat Councils</b> <b>586 Zilla Panchayat Councils</b> <b>Municipal Corporation Councils</b> <b>Municipal Councils</b> <b>Nagar Panchayat Councils</b>	Each state has its own local governance legislation – some hold direct elections and others indirect elections. Most local elections occur on a five year cycle. All elections are staggered.	The Election Commission maintains complete autonomy and is insulated from executive interference. The EMB also functions as a quasi-judiciary body in matters of electoral disputes and other matters involving the conduct of elections. The decisions of the commission are however liable for independent judiciary reviews by courts acting on electoral petitions.
Sri Lanka	Sri Lankan Department of Elections – The Commissioner of Elections Presidentially appointed commission	National and Local Elections	23 permanent district election offices	<b>Multiple Staggered Elections</b> <b>8 Provincial Councils</b> – members directly elected from district constituencies every five years <b>275 Pradeshiya Sabhas (Divisional Councils)</b> <b>18 Municipal Councils,</b> <b>42 Urban Councils</b> directly elected every four years	2008 and 2009 – Provincial Council Elections March to October 2011 – Phased Local Government Elections for 322 Local authorities 2008 to 2009 – Local Government Elections for 11 Local authorities Elections were marred by violence, postponements and alleged misuse of state resources.	



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